PATTERNS OF POWER · OLIVER CROMWELL AND THE ENGLISH PROTECTORATE

Oliver Cromwell and the English Protectorate

The Complete Study · 1649 — 1653 — 1660

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with Claude (Anthropic) · 2026

held as tested, not revealed

Held as tested, not revealed.

A case study in the Patterns of Power series.
Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

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Preface and Outline

What the study found, how it was built, where it broke its own predictions, and a map of its fourteen parts

The spine

This is the third of three studies laid on the same piece of ground, and the sequence is what gives it its value.

A Norman duke with no source of title inside England rented one from Rome, seated his followers in the legal positions of named dead Englishmen, and established the principle everything afterwards depended on — that in England no man owns land outright but holds it of the crown. Four and a half centuries later a lawful king closed that bracket: Henry VIII abolished the lessor, appointed himself to the office, and took a quarter of the country from living lawful owners by statute, before any force was applied, because a lawful king who acts as a conqueror reopens every title in his realm including his own. And to prove the operation lawful he had to argue from a text, and to argue from a text in a realm he was persuading he had to publish it — so an English Bible went out on a chain into every parish in the kingdom.

A hundred and ten years later, men formed by that book tried the king's descendant in Westminster Hall and cut off his head.

The single fact that organises this study is that they thereby destroyed the only source of lawful title in England, and every subsequent difficulty of the regime they built follows from it.

The sequence had to invert, and not from choice. A conqueror lays the floor first and fits the story afterwards; a lawful apex must legislate before he takes. Cromwell is neither, and the collection had no entry for the position he occupied: **an armed insider who destroys the office he serves.** To legislate first he needed the Commons, and the Commons would have treated with the king — so on 6 December 1648 a colonel stood at the door with a list. The English republic began with an officer selecting a legislature, and everything afterwards is a robe being fitted over that afternoon.

The robe had to be scriptural, because scripture was the only authority left. Descent was gone, the common law ran in the king's name, and the English chronicle tradition contains no republic. What remained was a library that had entered European political life as a by-product of a fourth-century decision about canon: the Hebrew

scriptures, bundled whole into Christianity, containing the complete political archive of a monarchy — its founding, its abuses, its depositions and its ends, judged by people who had lived under kings and had mixed feelings about it. Cromwell searched that library exactly as Henry's team had searched the chronicles, and needed no forgery, because the material was genuine. **And that is why it could not be won**, because the other side owned the same book and Romans 13 sits in the same binding as 1 Samuel 8.

The settlement had to rest on forfeiture, because surrender requires a taker whose lawfulness makes refusal a crime, and nobody conveys an estate to men who have just executed the king from whom he holds it. Forfeiture was the *parenthesis* in Henry's settlement — the route reserved in brackets for three abbots who would not sign. Cromwell built everything on it. And in 1660 the distinction proved decisive: crown lands, church lands and confiscated royalist estates all went back, while land royalists had **sold themselves** to raise their fines stayed sold. **The transactions that survive a hostile restoration are the ones in which the losing owner's hand was on the instrument.**

And the floor had to be paid in arrears, which is not a stake at all. A deed is void if the regime falls; a debt is discharged by whoever has the cash. In 1660 a parliament paid the arrears and the most formidable army in Europe went home.

Run the framework's question through the hierarchy of 1657 — *would you be better off if this arrangement were reversed?* — and peers wanted their chamber, gentry wanted their bench, episcopal clergy wanted their livings, Presbyterians wanted a national church, lawyers wanted their courts, merchants wanted stability. **The default ran backwards.** The only group with a strongly positive stake was a religious minority with no land, no bench and no chamber — and when Cromwell tried in 1657 to repair the whole structure by accepting a crown that would have made the office heritable and lawful, that constituency stopped him.

It lasted nine years. It is the only complete failure this collection has examined, and that is what makes it useful.

How it was built

One module at a time, verification before writing, over the arc the Field Manual sets: a landscape and twelve modules, each with a framework function, each returning a refinement rather than merely applying the framework.

Public-domain primary sources are quoted exactly and at the length the argument needs. The richest are the *Acts and Ordinances of the Interregnum* — the Act abolishing the kingly office of March 1649, arguing that the office had been *found by experience* to be unnecessary, burthensome and dangerous; the Act for the Setting of

Ireland of 1652, taking three-quarters of a man's land unless he had *manifested his constant good affection to the interest of the Commonwealth of England*; the assessment Act of April 1649, explaining that the tax exists so the soldiery may maintain themselves *without taking ought from any man, but what they bought and paid for*; and the Instrument of Government, requiring members of parliament to be *persons of known integrity, fearing God, and of good conversation*. Beside them: Cromwell's letter to Speaker Lenthall of 17 September 1649 on Drogheda, the Directory for Public Worship of 1645 on festival days *having no warrant in the Word of God*, the Putney transcript, and the Tenures Abolition Act of 1660 — which abolished the crown's feudal revenues in the exact grammar the regicides had used to abolish the crown.

Modern copyrighted scholarship is paraphrased and credited, and where it disagrees the disagreement is named rather than settled: on Drogheda, on the reliability of casualty figures, on whether Monck intended a restoration from the outset, on whether Cromwell's refusal of the crown is better explained by conscience or by army pressure, and on the scale of Irish mortality.

Where this study is weaker than its companion, it says so. It leans harder on paraphrase and thinner on verified primary quotation than the Henry VIII study did, because the *Acts and Ordinances*, Thurloe's state papers and the Clarke manuscripts were reachable only at a remove. The specific weak points are flagged where they occur and are collected here so a reader can go straight to them: **the fiscal figures in Module 6**, where the argument rests on a ratio that is not disputed rather than on absolute numbers several of which could not be pinned down; **Cony's case in Module 9**, which carries real weight and whose particulars need checking against the law reports; **the report in Module 10 that Lambert was reduced to about fifty horse**, which rests on few accounts though the substance is not disputed; **the phrase "in favour of the meaner sort"**, which carries Module 8's title and is reported as a characterisation rather than traced to a document; and **the words attributed to Cromwell about Jericho**, which survive through reports of a committee meeting in variant wordings and were not part of the formal public refusal.

Contested figures are given as ranges throughout, and in this subject nearly everything is contested: the casualties of the wars, the yield of ship money, the revenue of the Protectorate, the numbers transported from Ireland, the proportion of clergy ejected, and above all Irish mortality between 1641 and 1652, where Petty's forty per cent is a seventeenth-century estimate built on population figures that did not exist and the modern range runs from fifteen to twenty-five per cent and wider.

Where it broke its own predictions

The framework had two founding sequences and needed a third. Floor-then-robe marks a conqueror; robe-then-floor marks a lawful apex. This case fits neither, and the position had to be named: an armed insider who destroys the office he served gets the conqueror's sequence at home, and gets it because the body that could have legislated first had to be purged to produce the required result.

The framework treated the robe as something fitted over a taking. Here it is manufactured by the floor itself. Providence converts a battle into a title in one step, with no argument made — the cheapest legitimation available to an armed man without one, requiring a result rather than a research programme. **And it is two-way, which is what makes it fatal.** A hereditary title survives a lost battle because descent does not move; a providential title cannot, because the reverse *is* the argument. Which is why a failed expedition to Hispaniola in 1655 produced a legitimacy crisis and a search for the national sin.

And the study's own expectation about formation was wrong in an instructive direction. The corpus held three conditions — kept, lost, withheld. This is a fourth: **relinquished on principle.** A state that dismantles the inherited apparatus and then declines to impose a replacement out of conscience has not freed the field; it has thrown it open, and the seat of trusted belief refills with whoever is best organised.

The discipline

Legibility is not pardon.

Both partisan readings of this subject are still in circulation and both are wrong. The men who cut off the king's head believed they were executing the judgment of God upon a man of blood; the man on the scaffold said he died a Christian according to the profession of the Church of England as he found it left him by his father. Neither was pretending, and the collection's business is not to award the argument but to notice that it could not be awarded — because the arbiter both sides had agreed on was a library, and the library said both things.

The founding was, by the standards of this collection, cheap in England and catastrophic elsewhere. After Worcester in 1651 the regime killed very few people in England: no oath enforced by death, three men shot at Burford, a handful after Penruddock, and Nayler mutilated rather than executed. Scotland lost proportionally more than England in the wars, and sixteen hundred Scots died of dysentery in Durham Cathedral in seven weeks — held there because the cathedral stood empty, because the government that had captured them had abolished the Dean and Chapter

and sold their lands. And Ireland lost between a sixth and two-fifths of its people in twelve years, in a war fought after Cromwell had left by destroying the food supply.

A war fought for possession of a country spares its metabolism, because the winner wants it working. A war fought for removal calls the note. England kept its harvests through nine years of fighting. Ireland did not, and this was the second time in seventy years that an English revolution had spared its own metabolism and sent the bill to the same island.

Both columns stand. Neither cancels the other, because the people in the two columns were not the same people.

The arithmetic is laid out. The sum is left to the reader.

The arc

Landscape · Dangerous and Traitorous Conceits. A realm whose every writ ran in the name of a man it had killed, an army that had become a second society with its own preachers and its own politics, and the precedent library a king identified as a threat forty-five years before it took his son's head.

1 · Which Otherwise Cannot But Work Remorse and Regret. The floor of force — an armed insider who got the conqueror's sequence in his own country, England's first standing army quartered on a nation that had never had one, and a doctrine that converted every victory into a title and every defeat into a verdict against itself.

2 · Manifested Their Constant Good Affection. The settlement — a redistribution larger and faster than the dissolution of the monasteries, built entirely on the one fiction the previous settlement had used only as a fallback, and reversed in England within months while standing in Ireland for two centuries.

3 · I Would Not Build Jericho Again. The robe — a legitimating claim searched out of the one library available, which needed no forging because it was genuine, and which for that same reason could not be monopolised, banned, or won.

4 · Having No Warrant in the Word of God. Formation — a regime that dismantled the apparatus it inherited and declined on principle to replace it, a calendar converted from a free machine into an administrative cost, and an army that formed adults and therefore formed nobody after them.

5 · Without Taking Ought From Any Man. The cost column — the thinnest benefit column in the collection, a state that could take everything and settle nothing, and a community whose enforcement machinery changed sides without changing hands.

6 · A Full and Ample Recompence. Extraction — a republic born of a tax revolt that taxed England at three times the rate which caused it, a floor paid out of a stock

that ran out, and a fiscal machine so useful that the restored monarchy kept every part of it.

7 · The All-Seeing Little Secretary. Information and suppression — a regime that had staged its own founding in public and therefore had nothing to conceal, a monopoly over the post held by the head of intelligence, and the discovery that an interception apparatus catches plots and cannot catch arguments.

8 · In Favour of the Meaner Sort. Elite coordination and the default — a hierarchy in which almost every man with standing and means would be better off if the arrangement fell, a floor held by creditors rather than owners, and the cheapest way to destroy an army.

9 · Persons of Known Integrity, Fearing God. Plurality or foreclosure — a decade that contracted almost every protection an Englishman had, left nothing that became anybody's default, and therefore left nothing at all except the thing its successors resolved never to permit again.

10 · And His Army Melted Away. Change and collapse — twenty-three constitutional changes in eighteen years, not one of them made from below, and a restoration decided in the end by which of two armies had been paid.

11 · The Curse of Cromwell On You. The grim accounting — three theatres whose arithmetic differs by an order of magnitude, a metabolic note spared at home and called abroad for the second time in seventy years, and the discovery that memory tracks possession rather than atrocity.

12 · What Was Never To Be Done Again. Convergence and divergence — the third of three settlements on the same ground, the collection's only complete failure and therefore its control case, and the strongest counter-position in the series stated at full strength and answered.

A note on sources. This front matter is descriptive and makes no primary-source claims of its own; every factual assertion about the case is established, with its sources and its flags, in the module it summarises. The reader who wishes to test this study should begin with the closing notes of the modules, which are written to make that testing possible — including where it would embarrass the argument.

LANDSCAPE

Dangerous and Traitorous Conceits

The ground before the Protectorate — a realm whose every writ ran in the name of a man it had killed, an army that had become a second society with its own preachers and its own politics, and the precedent library a king identified as a threat forty-five years before it took his son's head

Where this case stands in a sequence

Three times in six hundred years the entire landed order of England was taken and redistributed by a new authority, and each taking was the consequence of the one before it.

A Norman duke with no source of title inside England rented one from Rome, seated his followers in the exact legal positions of named dead Englishmen, and established the principle on which everything afterwards depended — that in England every title descends from the crown.

Four and a half centuries later a king closed that bracket. Henry VIII abolished the lessor, appointed himself to the office, took a quarter of the country from living lawful owners by statute, and sold it to several thousand families whose deeds were only as good as the Acts. To prove the operation lawful he had to argue from a text, and to argue from a text in a realm he was trying to persuade he had to publish it, and so an English Bible went out on a chain into every parish church in the kingdom.

A hundred and ten years after that, men who had been formed by that book put the king's descendant on trial in Westminster Hall and cut his head off in the street.

This study is the third taking, and its distinctive property is that it was the only one that failed. The Norman settlement stood for nine hundred years. The Henrician settlement survived a Catholic queen, a papal legate, three hundred burnings and a civil war, and the abbey lands were never restored. The Cromwellian settlement — larger in a decade than either — was substantially unwound within two years of its author's death, everywhere except Ireland.

Working out why is what the study is for.

The realm: an order whose apex had been abolished by its own courts

Begin with the dates, because the speed is itself a fact about the case.

On **6 December 1648** a regiment under Colonel Thomas Pride stood at the door of the House of Commons with a list, and turned away or arrested every member who would have voted to treat further with the king. What was left, perhaps a fifth of the House, is called the Rump.

On **1 January 1649** the Commons declared it treason in a king of England to levy war against the parliament and kingdom. The Lords refused the ordinance for the trial.

On **4 January 1649**, having been refused, the Commons resolved as follows, and the resolution is the founding text of the whole period:

> *That the People are, under God, the Original of all just Power: And do also Declare, that the Commons of England, in Parliament assembled, being chosen by, and representing the People, have the Supreme Power in this Nation ... and that whatsoever is enacted, or declared for Law, by the Commons, in Parliament assembled, hath the Force of Law; and all the People of this Nation are concluded thereby, although the Consent and Concurrence of King, or House of Peers, be not had thereunto.*

Read that as a piece of drafting and three things are in it. A theory of sovereignty in the people, which was not new in the abstract and was entirely new as a ground of English legislation. A claim by one chamber to be the whole of parliament. And a self-authorising clause — *hath the Force of Law* — which converts the claim into law by asserting it.

Set beside that the fact everybody in England knew: the body making the claim had been elected in 1640, had been sitting for eight years, had just been purged by soldiers, and numbered fewer than a hundred men.

The trial opened on 20 January. Charles refused to plead, on the ground that the court had no lawful authority to try him — which was, as a matter of the existing law of England, unanswerable, and everyone in the hall understood it. Sentence was given on 27 January, naming him **tyrant, traitor, murderer and public enemy to the good people of this nation**. He was executed outside the Banqueting House on 30 January.

Then, in seven weeks, the constitution was dismantled by statute.

The **Act for the abolishing the Kingly Office**, 17 March 1649, is the robe of the new order in its first draft and deserves quoting at the length its argument occupies:

> *And whereas it is and hath been found by experience, that the Office of a King in this Nation and Ireland, and to have the power thereof in any single person, is unnecessary, burthensom and dangerous to the liberty, safety and publique interest of the people, and that for the most part, use hath been made of the Regal power and prerogative, to oppress, and impoverish and enslave the Subject; and*

> *that usually and naturally any one person in such power, makes it his interest to incroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the Laws, that so they might enslave these Kingdoms to their own Lust; Be it therefore Enacted and Ordained by this present Parliament, and by Authority of the same, That the Office of a King in this Nation, shall not henceforth reside in, or be exercised by any one single person ...*

Note the grammar, because it is the exact opposite of the Henrician grammar this collection has already examined. Henry's statutes said *is and ought to be*, *so hath been accepted in the world*, *divers sundry old authentic histories* — an insider's robe, in which nothing new is happening and a usurpation is merely being removed. This one says **found by experience**. It is an argument from consequences, not from title. It does not claim that the office of king was always unlawful; it claims that it has been tried and has proved bad.

That is a conqueror's grammar in a domestic setting, and it will cost them everything, because an argument from experience can be met by an argument from experience. Eleven years later the experience of the Protectorate would be entered on the other side of the ledger.

The **House of Lords** was abolished two days later as *useless and dangerous*. On **19 May 1649** England was declared **a Commonwealth and Free State**, governed by the representatives of the people in parliament, without any king or house of lords.

What was actually removed

And here is the problem that the men of 1649 created and could not solve, and which is the structural heart of this study.

They did not merely kill a man. They removed the source of title from an order in which everything was titled.

Every writ in England ran in the king's name. Every commission of the peace was the king's commission; every justice held his place during the king's pleasure. The courts of King's Bench and Common Pleas were the king's courts. Indictments laid offences against the king's peace, his crown and dignity. The Great Seal authenticated the instruments of government, and the Great Seal was the king's. Sheriffs answered to him; the militia was his; the church, since 1534, had him at its head by an Act which declared the supremacy *annexed and united to the imperial crown of this realm*.

And underneath all of it, laid by a Norman duke and naturalised across six hundred years until nobody experienced it as an arrangement at all, ran the proposition that no man in England owned land outright: he held it, ultimately, of the crown.

The Rump understood the problem and did what it could. A new Great Seal was cut, engraved with a map of England and Ireland and the arms of the Commonwealth, and inscribed on its reverse — with the House of Commons in session shown on it — *In the First Year of Freedome by Gods Blessing Restored*. Writs were reissued in the name of the Keepers of the Liberty of England by authority of Parliament. Oaths were rewritten. An Engagement was tendered, requiring subscribers to declare themselves true and faithful to the Commonwealth as established without king or house of lords.

But a seal is not a title, and everyone who held land knew the difference.

Compare the position with Henry's, because the comparison is the whole case. Henry's overriding constraint, established at length in the study of his settlement, was that he could not act as a conqueror without reopening every title in the realm including his own — so he legislated before he took, applied force only to those who refused a law that already existed, and sold what he took as the lawful sovereign, so that his buyers' deeds were good.

The men of 1649 did the thing Henry spent eighteen years avoiding. They abolished the office from which all title flowed, and then began confiscating and selling on a scale that dwarfed the dissolution — crown lands, bishops' lands, deans' and chapters' lands, the estates of royalists, and eventually the greater part of the land of Ireland.

Every purchaser under those Acts held a deed from a vendor whose authority to sell rested on the proposition that the office of king had been lawfully abolished by a fifth of one chamber of a parliament elected nine years earlier and purged by the army.

Hold that. It is the answer to the question this study exists to ask, and Module 2 will have to earn it.

The second society: the army

Every landscape in this collection reconstructs two grounds. Here the second ground is not a country and not a people. It is an institution of perhaps forty to seventy thousand men under arms across the three kingdoms — the numbers moved constantly and should be carried as a range — which had become, in four years, a society with its own politics, its own press, its own councils, its own theology and its own quarrel with the nation on whose behalf it had conquered.

The New Model Army was created by ordinance in the winter of 1644–45: a single national force, centrally paid, its officers appointed on capacity rather than local standing, its regiments not tied to a county association. It won at Naseby in June 1645

and effectively ended the first war; it won again at Preston in August 1648 and ended the second.

Three features made it a second society rather than an instrument.

It was owed money. Soldiers' arrears ran to enormous sums and were the constant material fact underneath every political crisis of the period. An army owed years of pay is not a body of servants; it is a body of creditors, and a creditor with pikes has a stake in who governs and in whether the government that owes him survives. Parliament's attempt in the spring of 1647 to disband a large part of the army without settling the arrears is the immediate cause of everything that followed.

It organised itself. In 1647 the regiments elected **Agitators** — representatives, two from each — who corresponded, met, and negotiated with the general officers. In June a cornet named Joyce rode to Holdenby with a party of horse and removed the king from parliament's custody into the army's, and when Charles asked to see his commission Joyce is said to have pointed at the troopers behind him. In October and November the General Council of the Army sat in the church at Putney and debated, in the presence of a stenographer whose transcript survives, what the constitution of England ought to be.

The Putney transcript is public domain and one of the most extraordinary documents in the English language. Colonel Thomas Rainsborough, arguing for something close to manhood suffrage:

> *I think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think it's clear, that every man that is to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not at all bound in a strict sense to that government that he hath not had a voice to put himself under.*

And Henry Ireton, Cromwell's son-in-law, answering that the franchise must belong to those with a permanent fixed interest in the kingdom — which is to say, to property.

That exchange is the whole subsequent history of the English constitution held in a single afternoon, and it was conducted by soldiers, in a church, in the presence of the man who would shortly govern England. Cromwell chaired it. Within eighteen months the Leveller programme had been foreclosed: mutinous regiments faced down at Corkbush Field in November 1647, and three men shot against the wall of Burford church in May 1649.

And it formed its own members. This is the feature that matters most and the one the collection is best equipped to see.

The New Model preached. It had chaplains, but far more than that it had the practice of soldiers preaching to soldiers, of prayer meetings before actions and days of humiliation after reverses, of the whole army seeking the Lord together for guidance on a political question and treating the answer as binding. Officers expounded scripture. Troopers argued theology in quarters. The army generated and consumed an enormous pamphlet literature, and it read.

In the framework's terms this is a formation institution, and it is not the church. It formed adults rather than children, which normally makes formation weak — but it formed them at the moment of maximum stress, in a total institution, around a text they read for themselves, with authority attaching to whoever could expound it most convincingly rather than to whoever had been ordained. That combination is rare and it is powerful, and it produces exactly one thing: a body of men with an interpretive claim who do not need anybody's licence to make it.

The study of Henry VIII's formation policy predicted this outcome and named the mechanism. He captured the most complete formation apparatus in Europe and then destroyed its value by publishing the source, and the finding was stated as a rule: **you can own the whole machine and lose control of the output, if you publish the source.** A century later the output was drawn up in regiments at Putney, arguing about the franchise from first principles.

The recursion: what the English monarchy was made of

The discipline this collection holds requires that the order being dismantled be shown as a build rather than as a timeless thing — and equally requires that showing it as a build not be mistaken for showing it as a fraud.

By 1649 the English monarchy was the residue of two impositions that had fully taken.

The Norman one, which established that all title descends from the crown, and which by the seventeenth century was not a doctrine anybody argued for but the shape of property itself. A gentleman defending his estate in 1649 was not defending a Norman arrangement; he was defending his land, and the fact that the two were the same thing had long since become invisible.

And the Henrician one, which annexed the headship of the church to the imperial crown, made it heritable, and put several thousand families in possession of monastic land under statutes whose validity depended on the crown's supremacy being lawful. Those families were still there. Their descendants sat in the Long Parliament.

So the men of 1649 were taking apart a structure whose lower courses had been laid by a conqueror and whose upper courses had been laid by a king solving a marriage

problem — and they were taking it apart with an instrument the second of those kings had distributed for the purpose of proving the first one's lessor a usurper.

None of that makes the monarchy fake, and this study will not slide. A built thing that became real is more genuine and more durable than any lie, because a lie must be maintained and a naturalised order need not be. The English monarchy of 1649 was authentically the framework of reality for the great majority of English people, which is precisely why the men who abolished it spent the next eleven years unable to make anything stand in its place. Naming a constructed origin is not debunking it, and the same rule runs forward: the Commonwealth was also a build, and to those who believed in it — and many did, fiercely — it was as real as anything.

The precedent library

Now the deepest thing in this landscape, and the reason for its title.

When Constantine's church established itself as the religion of the Roman state, it carried with it a canon it had inherited entire. Christianity did not merely adopt the teaching of Jesus of Nazareth. It adopted, bound into the same volume and declared equally the word of God, the collected scriptures of the Jewish people — which are not a book of ethical instruction at all but the political, legal and military history of a nation, with its statutes, its dynastic quarrels, its wars, its constitutional crises and its judgments upon them.

That bundling has a consequence which no one intended and which took twelve hundred years to detonate. Every European Christian polity carried, at the centre of its own sacred literature, a complete worked archive of a monarchy — its founding, its abuses, its depositions and its ends — written by people who had lived under kings and had mixed feelings about it.

Consider what is actually in there, and consider it as a lawyer would.

1 Samuel 8. The elders of Israel come to Samuel and demand a king, that they may be like all the nations. The demand displeases Samuel, and the Lord tells him: *they have not rejected thee, but they have rejected me, that I should not reign over them.* Samuel is then commanded to warn them what a king will be:

> *This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen ... And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants ... And ye shall cry out in that*

day because of your king which ye shall have chosen you; and the LORD will not hear you in that day.

That is not a text about the divine institution of monarchy. It is a text in which monarchy is a concession granted to a people in a fit of national folly, over the objection of God and his prophet, with an itemised list of the exactions it will bring and an explicit warning that the complaint will not be heard.

Judges 8:23. Gideon, offered hereditary rule after a victory, refuses it: *I will not rule over you, neither shall my son rule over you: the LORD shall rule over you.* A precedent, in scripture, for a victorious general declining a crown. Remember it; it will be needed in 1657.

1 Samuel 15. Saul, a reigning and anointed king, is rejected by God for disobedience, and the kingdom is rent from him and given to a neighbour better than he.

1 Kings 21. Ahab covets a subject's vineyard; Naboth refuses to part with the inheritance of his fathers; Jezebel procures his judicial murder on false witness; and the prophet Elijah, holding no office whatever, walks into the king's presence and pronounces the destruction of his house. **A king who takes a subject's land by legal process is condemned, by name, in scripture, and his dynasty is destroyed for it.**

2 Kings 9–10. Jehu is anointed by a prophet's servant, on divine instruction, specifically to exterminate the reigning house — and does.

Deuteronomy 17. The law of the king: he shall not multiply horses, nor wives, nor silver and gold; and he shall write himself a copy of the law and read in it all the days of his life. **A king under law, in the founding statute of the nation, with the limits enumerated.**

Set that library beside the crown's own principal proof-text — Romans 13, *let every soul be subject unto the higher powers; for there is no power but of God: the powers that be are ordained of God* — and notice what the argument actually turns on. Romans 13 commands obedience to the ordained power. It does not identify which man is the ordained power, and the Old Testament supplies case after case in which the man on the throne was **not**, and in which the person who said so was a prophet with no office and an army at his back.

Everything a monarchy can do had already happened, and been judged, in a book that every literate household in England possessed and read.

The king who saw it, and named the wrong part

And here is the fact that closes this landscape, because a king identified the danger, in public, forty-five years before it killed his son — and located it in the wrong place.

The Bible that English Protestants actually read for two generations was the **Geneva Bible** of 1560, produced by Marian exiles, and it came with marginal annotations. Some of those annotations were politically pointed. James VI and I detested them. At the Hampton Court Conference in 1604 he pronounced the Geneva version the worst on the market, and objected to its notes as — in the words attributed to him and consistently reported — *partial, untrue, seditious, and savouring too much of dangerous and traitorous conceits*. He named two: the note at Exodus 1:19, which held that the Hebrew midwives had done lawfully in disobeying Pharaoh's order to kill the male children; and the note at 2 Chronicles 15:16, which held that King Asa should have executed his idolatrous mother rather than merely deposing her.

That last objection is generally read as personal. James's own mother had been executed.

So he commissioned a new translation, based on the Bishops' Bible, and specified that it carry **no marginal notes**. The result, published in 1611, is the Authorised Version.

He was right about the danger and wrong about where it lived.

The notes were not the threat. The notes were an editorial layer that could be removed by an order in a conference chamber, and it was removed. What could not be removed was the text — and the text is 1 Samuel 8 and Judges 8 and 1 Kings 21 and 2 Kings 9, and it stood in the new version exactly as it had stood in the old, in prose of such quality that it lodged in the memory of everyone who heard it read.

The version James commissioned to make the Bible politically safe carried the same Hebrew scriptures, in more memorable English, into more houses, than any book in the language before or since. Within forty years of its publication, men were arguing in a church at Putney about whether a poor man was bound by a government he had not consented to; and within forty-five, a court sitting in Westminster Hall convicted a King of England of being a tyrant and a public enemy, and men who had spent their adult lives reading that book cut off his head.

The historiography here needs a caution and this study enters it now rather than later. Historians differ on how far the Geneva glosses actually go: the better view is that they articulate a Reformed theory of resistance by lesser magistrates rather than anything like a licence for regicide, and James's characterisation was a polemical one made by a man with a grievance. That dispute is real and is named. **What is not in**

dispute is that a reigning king publicly identified an English Bible as a political danger, tried to fix it by editing the apparatus, and left the archive untouched.

Which is the finding the previous study in this sequence produced, arriving on schedule and from an unexpected direction. Henry published the source in order to win a jurisdictional argument. His successors could not recall it — the study of his formation policy watched him try, by statute, in 1543, and fail. James could not sanitise it either. **A ruler who makes a text the criterion of authority has handed out an instrument, and the instrument contains whatever it contains.**

The seam this study will pry at

Set the two grounds against each other and four questions define the modules.

First, the sequence. The collection has established that floor-then-robe is the outsider's order and robe-then-floor the insider's, and that which you observe tells you where the man stood when he began. Cromwell is neither. He is an **armed insider who destroyed the office he served** — a subject who held the army, in a realm whose entire legal apparatus ran from a crown he had helped abolish. The prediction is that he gets the worst of both: a floor laid first, as a conqueror's is, and a robe that can never quite be fitted, because the only source of lawful title available to him was the one he had destroyed. Test it, and watch the four constitutions he went through in nine years.

Second, the settlement, which is the case's centre. Crown lands, bishops' lands, deans' and chapters' lands, the confiscated estates of royalists, and the greater part of the land of Ireland — a redistribution larger and faster than the dissolution of the monasteries. And then, in 1660, almost all of it in England reversed, and almost none of it in Ireland. **Why did Henry's settlement hold for four centuries and Cromwell's collapse within eighteen months of his son's fall?** The study exists to answer that, and the answer will have to be about the vendor rather than the buyer.

Third, the default, and it will have to be run backwards. The framework holds that a durable order is one in which each beneficiary defending his own position defends the whole. Put the question to every man of standing and means in England in 1657 — the peer whose house had been abolished, the gentleman displaced from the commission of the peace by a major-general, the lawyer facing law reform, the parson ejected, the merchant paying an excise no Stuart had dared attempt, the purchaser whose deed depended on the Rump having been a parliament — and count how many would be better off if the king came back. If the answer is most of them, the framework predicts 1660, and the study should say so without softening it.

And fourth, change. The Restoration was not made by a popular rising. It was made by a general marching an army south from Scotland. **Structural change came**

from inside the floor, exactly as the framework says it must, and this case is unusually clean because there is no ambiguity about who did it.

Underneath all four sits the recursion, and it will run in both directions. The order Cromwell destroyed was a Norman conquest naturalised with a Tudor supremacy bolted on, and by 1649 nobody experienced any of it as a thing that had been put there. The order he built was assembled out of an army's arrears, a purged parliament's self-authorisation, and a library of Hebrew precedents about kings — and to the men inside it, it was the visible hand of God in history. Both were built. Neither was a fraud. What this study measures is not sincerity, which is unrecoverable, but the arithmetic: what was said, what was done, who paid, who gained, and how long the whole thing stood.

Nine years, as it turned out. Which is the shortest span in this collection, and the reason the case is worth the twelve modules.

A note on sources. Quoted exactly from public-domain primary texts: the resolutions of the House of Commons of 4 January 1649, at *That the People are, under God, the Original of all just Power* through *although the Consent and Concurrence of King, or House of Peers, be not had thereunto*, from the Commons Journal as reproduced in the parliamentary and scholarly literature; the sentence of the High Court of Justice of 27 January 1649 at *tyrant, traitor, murderer and public enemy to the good people of this nation*; the Act for the abolishing the Kingly Office in England and Ireland of 17 March 1649, at the passage beginning *And whereas it is and hath been found by experience* and running through *shall not henceforth reside in, or be exercised by any one single person*, quoted from the text in Scobell's collection as reproduced in *Acts and Ordinances of the Interregnum* and on Wikisource, the two agreeing; Colonel Thomas Rainsborough at the Putney Debates, 29 October 1647, at *I think that the poorest he that is in England hath a life to live, as the greatest he* through *that he hath not had a voice to put himself under*, from the Clarke Manuscripts; and the scriptural passages, quoted from the Authorised Version of 1611 — 1 Samuel 8, Judges 8:23, and Romans 13:1 — which are given in the version current in England at the time and were verified for wording against standard reproductions.

James VI and I's characterisation of the Geneva Bible's marginal notes as *partial, untrue, seditious, and savouring too much of dangerous and traitorous conceits*, and his citation of Exodus 1:19 and 2 Chronicles 15:16, are reported consistently across the scholarly and reference literature on the Hampton Court Conference of January 1604 and derive ultimately from William Barlow's *Summe and Substance of the Conference*, which is a partisan account written by a participant. **The words are therefore given here as reported rather than as minuted**, and the conference had no neutral record.

The claim that the Geneva glosses were anti-monarchical in the strong sense is disputed; the better scholarly view holds that they articulate a Reformed theory of resistance by lesser magistrates, and that James's reading was polemical. The dispute is named in the text and not resolved.

Paraphrased and credited to modern scholarship: the standard narratives of Pride's Purge, the trial, and the constitutional legislation of 1649, including the reissue of writs in the name of the Keepers of the Liberty of England and the cutting of the Commonwealth Great Seal; the formation, composition and politics of the New Model Army, the election of Agitators in 1647, Joyce's seizure of the king at Holdenby, the Putney Debates, and the suppression of the Leveller mutinies at Corkbush Field and Burford; the standard accounts of the Hampton Court Conference and of the making of the Authorised Version; and the Norman and Henrician material, which rests on the two companion studies in this collection and on the sources cited there.

Contested figures are given as ranges. The strength of the armies of the three kingdoms varied continuously across the period and the figure of forty to seventy thousand is an order of magnitude, not a count; precise establishments belong to Module 1 and will be reconstructed there with their sources. The size of the Rump after Pride's Purge is given approximately and varied with attendance. The total of soldiers' arrears is disputed and is not asserted here. Estimates of the circulation of Bibles in mid-seventeenth-century England, and of literacy rates, are genuinely unknown and are not asserted beyond the uncontroversial proposition that scripture in English was widely owned, widely heard, and widely argued about. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 1

Which Otherwise Cannot but Work Remorse and Regret

The floor of force — an armed insider who got the conqueror's sequence in his own country, a standing army quartered on a nation that had never had one, and a doctrine that converted every victory into a title and every defeat into a verdict against itself

The sequence, and why it could not have run the other way

This collection has established that the order in which force and legitimation arrive tells you where the man laying them was standing when he began.

A conqueror lays the floor first and fits the story afterwards, because he does not need to be lawful until he needs his grants to be heritable. An apex cannot: his whole standing consists of lawfulness, so he legislates before he takes and applies force only to those who refuse a law that already exists. Henry VIII ran the second sequence with unusual purity — six years of statute between the first legal move against Wolsey and the first execution under the supremacy — and the reason was not scruple but arithmetic. A lawful king who acts as a conqueror reopens every title in his realm, including his own.

Oliver Cromwell is neither of those men, and the position he occupied has no entry in the framework as it stands. **He was an armed insider who destroyed the office he had served.** A subject, a member of parliament, a colonel and then a lieutenant-general, holding the only organised force in the three kingdoms, in a realm whose entire apparatus of law ran from a crown he had helped abolish.

And the prediction that follows is that he gets the worst arrangement available: **the conqueror's sequence, executed at home.**

The reason is visible in the founding act itself. To do anything lawfully, the men of 1648 needed a statute. To get a statute they needed the Commons. And the Commons, as constituted, would have voted to treat further with the king — a majority had done so on 5 December 1648, resolving that the king's answers were a ground for the House to proceed upon.

So on **6 December 1648** Colonel Thomas Pride stood at the door of the House with a list and a regiment behind him, and removed everyone who would have voted the wrong way. Something over a hundred members were turned away and around

forty-five arrested; the numbers vary between accounts and should be carried loosely. What remained sat for the next four and a half years and is called the Rump.

That is a floor act, and it is the founding act of the whole period. Not the regicide, which followed from it; not Dunbar; not the dissolution of 1653. The English republic began with an officer selecting a legislature at the door of the chamber.

Everything afterwards — the resolution of 4 January that the people are under God the original of all just power, the trial, the Act abolishing the kingly office, four constitutions in nine years — is a robe being fitted over that afternoon. And it never fitted, because the only source of lawful authority in England had been the crown, and the crown had been destroyed by the men who needed it.

The floor laid retail: England

In England the floor was small, precise, and staged, and the resemblance to the Henrician pattern is close enough to be worth stating.

The regicide was the most visible execution in English history and every element of the staging says so. Not a private strangling in the Tower, which was available and which every previous deposition had used — Edward II, Richard II, Henry VI all died quietly and without witnesses, and their deaths were announced rather than performed. Charles I was tried in Westminster Hall, in public, over a week, with the charge read aloud; sentenced in open court as *tyrant, traitor, murderer and public enemy to the good people of this nation*; and beheaded on a scaffold built into the street outside the Banqueting House, in front of a crowd, on 30 January 1649.

The study of Henry's floor found that an insider's floor is measured in audience rather than in men under arms, because it prices a proposition rather than holding ground. This is that principle at its limit. **One death, performed before the largest audience the capital could assemble, to establish that the proposition "the king may be tried" was now a fact rather than an argument.**

And the floor turned inward almost at once. In the spring of 1649 regiments mutinied over arrears, over Ireland, and over the Levellers' programme; the mutineers were run down at Burford in Oxfordshire on the night of 14 May, some three or four hundred taken, and three men — Cornet Thompson and Corporals Perkins and Church — shot against the churchyard wall the next morning while the rest were made to watch from the roof of the church. Richard Lockyer had been shot in Paul's churchyard a fortnight earlier.

The men who had debated the franchise at Putney eighteen months before were, by May 1649, the people the floor was being used on.

The floor laid wholesale: Ireland

Ireland is where the sequence becomes unmistakably a conqueror's, and where the module's central document was written.

Cromwell landed at Dublin in August 1649 with something over ten thousand men and a siege train. On **11 September 1649** the walls of Drogheda were breached and the town stormed. On **11 October** the same thing happened at Wexford.

His account of Drogheda went to William Lenthall, Speaker of the Parliament of England, on 17 September, six days afterwards. It is public domain, it survives in the contemporary printing and in Carlyle's edition, and it must be quoted at length because paraphrase would be a form of concealment.

He describes the summons refused, the batteries, the breach, the storm. Then:

> *Divers of the enemy retreated to the Mill-Mount: a place very strong and of difficult access … The Governor, Sir Arthur Ashton, and divers considerable officers being there, our men getting up to them, were ordered by me to put them all to the sword. And, indeed, being in the heat of action, I forbade them to spare any that were in arms in the town: and, I think, that night they put to the sword about 2,000 men …*

Then St Peter's church, where about a hundred had taken refuge in the steeple:

> *… whereupon I ordered the steeple of St Peter's Church to be fired, when one of them was heard to say in the midst of the flames: "God damn me, God confound me; I burn, I burn."*

Then the two remaining towers, whose garrisons refused to yield and were starved out: the officers knocked on the head, every tenth soldier killed, and the remainder — with the whole of the other tower's garrison — shipped for Barbados.

And then the sentence this module is named from:

> *I am persuaded that this is a righteous judgment of God upon these barbarous wretches, who have imbrued their hands in so much innocent blood; and that it will tend to prevent the effusion of blood for the future. Which are the satisfactory grounds to such actions, which otherwise cannot but work remorse and regret.*

Three things about that passage before its logic is examined.

The numbers are contested and must be given as a range. Cromwell says about two thousand men put to the sword that night. Hugh Peter, his chaplain, who would have been responsible for the burials, gives 3,552. Modern estimates run from about

two thousand to four thousand, with the question of how many were non-combatants genuinely unresolved.

And the identity of the dead is not what the sentence appears to say. This is the correction the modern scholarship makes, and it is made by the Cromwell Association's own historians rather than by his critics: the garrison of Drogheda was very largely composed of English royalists in the Marquess of Ormond's regiments. It was not made up of the Irish Catholic rebels of 1641, and Cromwell knew it. Which means the phrase *these barbarous wretches, who have imbrued their hands in so much innocent blood* cannot simply be read as vengeance for 1641 upon the people who committed it.

That makes the sentence harder to read, not easier, and this study will not soften it in either direction.

And his own emphasis was on deterrence. *It will tend to prevent the effusion of blood for the future* — the second of the two grounds, and by his own arrangement of the sentence not the lesser one. Writing privately the day before the letter to Lenthall he put it with no theology at all: this bitterness would save much effusion of blood through the goodness of God.

He was not wholly wrong about the deterrent effect, and several garrisons subsequently surrendered on summons. He was also entirely wrong about the war ending, and Module 11 will have to count the four years of guerrilla campaigning, scorched earth, famine and plague that followed him after he left in May 1650 — because that, and not the storms, is where the arithmetic of Ireland actually lies.

The floor laid wholesale: Scotland

The Scots had fought against Charles I and then, when the English executed him, proclaimed his son king of all Britain. So the army crossed the Tweed on 22 July 1650 with over sixteen thousand men.

The campaign nearly destroyed it. David Leslie stripped the country of provisions and refused battle; Cromwell's army sickened; by the end of August he had fallen back on Dunbar with the Scots on the high ground above him at Doon Hill, and was contemplating evacuating by sea.

On 2 September the Scots came down off the hill. On **3 September 1650** Cromwell attacked at dawn and destroyed them: something like four thousand Scots killed and ten thousand taken. He called it *a high act of the Lord's providence to us*, and *one of the most signal mercies God hath done for England and His people*.

A year later, on **3 September 1651** — the same date — he destroyed the last royalist army at Worcester, and wrote to Lenthall:

The dimensions of this mercy are above my thoughts. It is, for aught I know, a crowning mercy.

Scotland was then occupied, garrisoned with new citadels, and incorporated into the Commonwealth. Charles II escaped to the Continent and stayed there for nine years.

What England now had that England had never had

And here is the structural fact of the whole Protectorate, and it is easy to miss because it is an absence being filled rather than a presence being removed.

Before 1642, England had no standing army. The crown had a handful of guards, some coastal forts and the Tower; the counties had trained bands, which were amateur, local, and useless outside their own shires. That is why English kings had to call parliaments: a monarch who wanted to fight a war had to ask for money, and the asking was the constitutional mechanism.

From 1649 onward England had a permanent professional army of tens of thousands of men, quartered across the three kingdoms, paid — when it was paid — out of a monthly assessment levied at rates no Stuart had attempted, and answering to a Council rather than to a county.

Now set that beside what the study of Henry's cost column established. Tudor England had **no coercive apparatus of its own**: no standing army, no police, no paid provincial officials. The constable was a villager doing his unpaid turn, the justice was a local gentleman, the presentment jury was the neighbours. And the finding was that in such an order the cost column and the formation column are the same column, because the people who apply the price *are* the formed community — with the consequence that force is not at the margin when belief is thick, it is not a separate thing at all.

The Protectorate created a separate coercive apparatus for the first time in English history, and thereby split the two columns apart.

That is a change of kind rather than of degree, and it is the reason the regime felt like an occupation to people who shared its nation, its language and most of its religion. A Buckinghamshire farmer in 1540 who fell foul of the law was arrested by his neighbour. A Buckinghamshire farmer in 1656 who fell foul of the law was arrested by a paid soldier from another county, quartered in his town, who answered to a major-general in Whitehall.

The apparatus reached its most explicit form in the **rule of the major-generals**, from the autumn of 1655: the country divided into eleven or twelve districts, each under a soldier with a body of horse militia, charged with security, with the disarming

of royalists, and — the part that was never forgiven — with the reformation of manners. They were funded by a decimation tax of ten per cent on the estates of former royalists, levied without statute. The Commons refused to pass the bill continuing it in January 1657, and the system was abandoned inside eighteen months.

Free quarter, the assessment, the excise and the major-generals belong properly to Module 5, where the ordinary subject's ledger is drawn up. What belongs here is only the structural point: **an armed insider who has destroyed the source of lawful title must hold the country with a force, because he has nothing else to hold it with — and a force is precisely the thing that makes his order look like what it is.**

Providence: a floor that manufactures its own robe

Now the module's contribution, and it is the mechanism that explains both how cheaply this order was legitimated and why it could not last.

Look again at how Cromwell reports a battle. Marston Moor in 1644: *a great favour from the Lord*, and God had made the enemy *as stubble to our swords*. Dunbar: *one of the most signal mercies God hath done for England and His people*. Worcester: *a crowning mercy*. Drogheda: *a righteous judgment of God*. And, in the same Drogheda letter, this — applied to the storming of a walled town:

> *And now give me leave to say how it comes to pass that this work is wrought. It was set upon some of our hearts, That a great thing should be done, not by power or might, but by the Spirit of God.*

That last phrase is Zechariah 4:6, and it is being applied to an assault by eleven siege guns and eight regiments of foot.

Consider what is happening mechanically, setting entirely aside what anyone believed.

A battle is fought and won. The victory is read as a verdict. The verdict is God's. Therefore the cause was just. Therefore the authority exercised in that cause is lawful.

Military success has been converted into legal title, in one step, without any argument having been made.

Compare the cost of the alternative. To establish that his supremacy was lawful, Henry VIII needed a research programme running from 1529 to 1530, a team including Cranmer, Foxe and an Italian friar, manuscripts fetched out of monastic libraries, a compilation of scriptural, conciliar and chronicle authorities, a forged letter from a second-century pope, and then six years of statutes drafted so that they claimed to be changing nothing. All of it to say: *this is and hath always been so.*

Cromwell needed a result.

That is why an armed man without title reaches for providence: it is the cheapest robe available. It requires no chronicles, no lawyers, no precedent and no library. It requires an event, and the event has already happened, and the man asserting the interpretation is the man who produced it.

And note that the case supplies the robe's function stated in the first person, which the collection has never had before. The study of Henry's robe derived a general law from Montesquieu writing satirically — that a robe is cut to exactly the thickness required to protect the account its wearer gives of himself, and no thicker.

Here is a general writing to a Speaker, sincerely, six days after the event, in a public letter:

> *Which are the satisfactory grounds to such actions, which otherwise cannot but work remorse and regret.*

Read the clause coldly. He is not saying the act was good. He is saying that such actions **require satisfactory grounds**, and that in the absence of them they cannot but work remorse and regret in the man who ordered them. The justification is what makes the deed bearable to its author. That is Montesquieu's law of the robe, written out by a man who did not know he was demonstrating it, in the middle of a report on a massacre.

The property that made it fatal

And here is the finding that will govern the rest of this study.

A providential robe is a two-way instrument. If victory is God's verdict for you, then defeat is God's verdict against you. There is no third reading available, because the mechanism that manufactures the title has only one input — results — and results go both ways.

Set that beside a hereditary robe and the asymmetry is total.

Charles I lost. He lost Marston Moor, he lost Naseby, he lost the second war, he lost his liberty and finally his head — and he remained, in the settled opinion of a very large part of his subjects, the lawful King of England throughout, **because his title rested on descent and descent does not move.** A defeated king is a defeated king. He is not a disproved king. Within days of his execution the *Eikon Basilike* was in print and running through edition after edition, and eleven years later his son came back.

A providential title cannot do that. A reverse is not a setback to be absorbed; the reverse *is the argument*, made by the only authority the regime recognises, against the regime.

The demonstration came in 1655. The Western Design — a fleet and army sent to take Hispaniola from Spain — failed badly, and the expedition consoled itself by seizing Jamaica instead. On the standard accounts Cromwell was shaken by it more deeply than by any military event of his life, and read the failure as the withdrawal of God's favour; a day of humiliation and fasting was appointed, and the search began for the national sin that had caused it.

A head of state whose title rests on divine endorsement in the field must treat a failed colonial expedition as evidence against his own legitimacy. No other ruler in this collection is in that position, and it is not a psychological quirk of Cromwell's. It is a property of the instrument.

So the general finding, and it should go into the framework by name:

A floor can manufacture its own robe, and providence is the mechanism. It is the cheapest legitimation available to an armed man with no title — requiring a result rather than a research programme — and it is the most brittle, because the machine that produces it in victory runs in reverse in defeat, and there is no fallback beneath it. Where a study finds a regime whose central claim is that God has vindicated it in the field, it should expect that regime to be structurally unable to absorb failure, to convert every reverse into a legitimacy crisis at the apex, and to be unusually anxious about national sin.

Reading the floor against the framework

Five contributions, of which the second and third are additions.

The armed insider inherits the outsider's sequence, and the collection now has three positions rather than two. The framework held that floor-then-robe marks a conqueror and robe-then-floor an insider. This case adds a third: a man inside the order who destroys the office he served gets the conqueror's sequence *at home*, and gets it because the only body capable of legislating first had to be purged in order to produce the required result. Pride's Purge is the founding act; everything else is fitting. **Diagnostic: where the legislature that authorises a founding was itself selected by the founder's soldiers, the sequence is floor-first however the statutes are dated.**

A floor can generate its own robe, and providence is that mechanism. Name it. Its properties are cheapness, immediacy, and the absence of any requirement for scholarship or precedent — a conquest is its own evidence. Its cost is that the claim is only as good as the last result.

And the two-way property is what makes such an order unstable at the top. This is the sharpest thing in the module and it generalises well beyond the seventeenth century. Legitimating claims can be sorted by whether they are results-sensitive. Descent is not: a hereditary title survives defeat, exile and incompetence, which is precisely why it is worth so much and why the Stuarts were restored. Providence is maximally results-sensitive. **Ask of any order: does a defeat weaken this regime's claim to rule, or merely its capacity? If the former, the regime will be structurally fragile in ways unrelated to its actual strength.**

Where a state that had no coercive apparatus of its own acquires one, the cost column separates from the formation column, and the separation is experienced as occupation. Tudor England policed itself through the parish, unpaid, by neighbours. Protectorate England was policed by a paid standing army quartered on it and answering to Whitehall. Nothing about the nation, the language or the religion of the men doing the policing had changed. The framework should expect this separation to feel foreign regardless, because the objection is structural rather than ethnic — and it explains why an English army holding England was resented in terms usually reserved for invaders.

And transportation is a floor instrument worth naming. The surviving garrisons of Drogheda were shipped to Barbados; so, in the following years, were very large numbers of Irish soldiers and civilians. It is a floor that removes rather than kills, monetises the removal, and leaves no bodies to be counted — which makes it both cheaper and considerably harder to audit than execution. Module 11 will have to try.

Three disciplines to close.

The first is against making Drogheda simpler than it is in either direction. The garrison had refused a formal summons, and by the laws of war then current a garrison that refused summons and was then stormed could be denied quarter — a point his defenders make and which is correct as far as it goes. The garrison was largely English royalist rather than Irish Catholic, which cuts against the vengeance reading. His stated emphasis was deterrence. And none of that alters the ordering of a hundred men burned in a steeple, the killing of every tenth man of a garrison that had surrendered, or the fact that he reported a man's dying words from the flames to the Speaker of the House of Commons without apparent difficulty. Legibility is not pardon. All of it is true at once and the reader is entitled to the whole of it.

The second is against reading the providentialism as cynicism, which would be both unsupported and analytically lazy. Everything in the record suggests Cromwell meant it entirely — the anguish after the Western Design is not the behaviour of a man operating a device. The framework does not require insincerity, and the discipline this

collection holds is explicit: a built belief that becomes real is not a lie, it is a thing that was built and then became true in the only sense that governs how people act. What the module claims is not that he was lying, but that the belief had a structure, and that the structure had consequences he did not choose.

And the third is the gravity, which in this module has to be carried by naming rather than summing. About a hundred men in the steeple of St Peter's, one of whom was heard. Every tenth man of two towers that had surrendered. The rest, in the holds of ships, for Barbados. Four thousand Scots on the field at Dunbar and ten thousand more taken, of whom a very large proportion died of hunger and disease on the march south and in captivity at Durham. Cornet Thompson and two corporals against a churchyard wall at Burford, watched from the roof by the men who had stood with them at Putney.

A note on sources. Quoted exactly from public-domain primary texts: Oliver Cromwell's letter to William Lenthall, Speaker of the Parliament of England, dated Dublin, 17 September 1649, at the passages on the Mill-Mount and the order to put to the sword, the firing of the steeple of St Peter's and the words heard from within it, the treatment of the two remaining towers, the sentence beginning *I am persuaded that this is a righteous judgment of God upon these barbarous wretches* and ending *which otherwise cannot but work remorse and regret*, and the passage beginning *And now give me leave to say how it comes to pass that this work is wrought*. The letter is quoted in the modernised form given in Carlyle's *Oliver Cromwell's Letters and Speeches* and cross-checked against the Wikisource transcription and against the original-spelling text of the contemporary printing, which agree in substance and differ in spelling and punctuation — *imbrued* and *imbued*, *judgment* and *Judgement*, and the placement of the full stop before *Which are the satisfactory grounds*. Also quoted: the sentence of the High Court of Justice of 27 January 1649; Cromwell to Lenthall, 4 September 1651, at *The dimensions of this mercy are above my thoughts. It is, for aught I know, a crowning mercy*; and his characterisations of Dunbar as *a high act of the Lord's providence to us* and *one of the most signal mercies God hath done for England and His people*, and of Marston Moor as *a great favour from the Lord* with the enemy made *as stubble to our swords*, all from the letters as reproduced in the standard editions. Zechariah 4:6 is quoted from the Authorised Version.

Paraphrased and credited to modern scholarship: the standard accounts of Pride's Purge and of the numbers excluded and arrested, which differ between authorities; the narrative of the Leveller mutinies of spring 1649, Lockyer's execution and the Burford shootings; the Irish campaign of 1649–50 and the subsequent war to 1653; the Scottish campaign, Dunbar and Worcester; the establishment, districts and funding of the

major-generals from 1655 and the failure of the militia bill in January 1657; and the Western Design of 1655 and Cromwell's response to its failure. The correction that the Drogheda garrison was very largely composed of English royalists in Ormond's regiments rather than of Irish Catholic rebels, and that Cromwell understood this, is made in the recent scholarship associated with the Cromwell Association and is credited to it; it is a correction that makes the letter harder rather than easier to read and is reported for that reason. The observation that the refusal of a formal summons exposed a garrison to denial of quarter under the laws of war then current is the common ground of both the critical and the defensive literature.

Contested figures are given as ranges and several should be held loosely. The dead at Drogheda are variously given: Cromwell's own *about 2,000 men* put to the sword on the night of the storm; 3,552 from his chaplain Hugh Peter; and modern estimates from about two thousand to four thousand, with the proportion of non-combatants unresolved. The numbers excluded at Pride's Purge vary between accounts. The strength of the army in Ireland in 1649 is given as something over ten thousand at landing and rose subsequently. Scottish dead and prisoners at Dunbar are conventionally given as about four thousand and ten thousand respectively and are estimates; the mortality among the Dunbar prisoners is separately disputed and belongs to Module 11. The number of major-generals' districts is given as eleven or twelve because the arrangement changed. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 2

Manifested Their Constant Good Affection

The settlement — a redistribution larger and faster than the dissolution of the monasteries, built entirely on the one fiction the previous settlement had used only as a fallback, and reversed in England within months while standing in Ireland for two centuries

Why something had to be taken

Begin with the constraint, because it explains the shape and because it distinguishes this settlement from the two that precede it in the sequence.

William took land because he had followers to seat and no other currency. Henry took land because a jurisdictional victory had put an enormous asset within reach of a man who happened to be short of money. Neither was under compulsion at the moment of taking.

The Commonwealth was. **Its floor was a creditor.**

The New Model Army was owed years of pay, and the arrears were the fixed point around which every political crisis of the period turned. The attempt to disband part of it without settling the arrears is what turned the army into a political actor in 1647. An unpaid army does not go home; it quarters itself on the country, and then it starts asking who is governing.

Beside the soldiers stood a second body of creditors, older and more precisely documented. In 1642 parliament had raised money to suppress the Irish rebellion by an instrument that will be examined in a moment, under which private subscribers advanced cash against a promise of Irish acres.

And the regime had almost no lawful revenue base. The customs and the ordinary crown revenues had belonged to a crown that no longer existed; the assessment and the excise were being levied at rates no Stuart had dared, and were resented accordingly; and no government in England had ever borrowed at the scale required.

So the settlement is not opportunism. It is debt service. **Where a regime's floor is itself a creditor, the settlement is not a distribution of spoil but the discharge of an obligation, and the obligation determines what must be taken, how fast, and from whom.** That belongs in the framework as a distinct case, and the diagnostic follows from it: **read the arrears before reading the confiscations, because the arrears wrote them.**

What was taken in England

Four confiscations, in sequence.

The bishops. Episcopacy was abolished in October 1646 and the lands of the bishops vested in trustees; sale followed.

The deans and chapters. Their lands went by ordinance in April 1649.

The crown. An Act of July 1649 vested the crown lands in trustees for sale — the honours, manors and parks of a monarchy that had been abolished four months earlier.

The royalists. Three Acts of Sale in 1651 and 1652 confiscated the estates of named individuals — something like seven hundred and eighty people across the three Acts — for treason against the Commonwealth.

The land was surveyed by parliamentary surveyors before sale, and the price was set on the basis that a purchaser could expect roughly ten years' income from the property. **Remember that number.**

But the largest instrument in England was none of these, and it is the one that explains 1660.

Most royalists were not dispossessed at all. They were fined. The machinery of sequestration and composition — the Committee for Compounding at Goldsmiths' Hall — allowed a delinquent to recover his sequestered estate by paying a proportion of its capital value, assessed by the degree of his delinquency. Very large numbers did. They paid, often by selling part of the estate or by borrowing against it, and they kept the land.

Set the two instruments side by side in the framework's own vocabulary and the contrast is exact. **Composition is rate-extraction**: a proportion taken, tunable, with the producer left in possession and producing. **Confiscation is stock-extraction**: taken once, entire, with the owner removed.

The Commonwealth ran both, on different people, at the same time. And the men it ran rate-extraction on — the fined, the compounded, the diminished but still seated gentry of the English shires — were still there in 1660, still holding their acres, and still the people who actually governed their counties.

That is a very large fact, and it will be Module 8's problem.

What was taken in Ireland, and the instrument that did it

Ireland is where the settlement is enormous, and it begins with a document that ought to be better known than it is, because the corpus has nothing like it.

The Adventurers' Act, March 1642.

Parliament needed money to suppress a rebellion in Ireland. It had none. So it offered subscribers Irish land — some two and a half million acres, at fixed rates per acre varying by province — against cash advanced now.

Read what that is. **Land not yet conquered, belonging to people not yet dispossessed, in a country parliament did not control, sold in advance to private investors, in order to finance the army that would do the conquering and the dispossessing.**

The framework has five settlement fictions on its card and none of them covers this, because all five operate on ground the taker already holds. This one operates on ground he hopes to hold, and its distinguishing property is not the sale but the **timing**: the terms of the settlement were contractually fixed in 1642, before a shot had been fired, and could not afterwards be moderated, because the subscribers held a debt rather than a hope. When the conquest was finally completed a decade later, the men who had to be satisfied had a claim in writing, dated, at a stated rate per acre.

Name it: **pre-emptive sale**. The conquest financed by forward-selling the spoil. Its consequence is that the settlement is settled before anybody knows what the war will produce, and the state that fought the war cannot afterwards be moderate without defaulting on its own creditors. Whatever anyone in 1652 might have wished to do about Ireland, two and a half million acres had already been sold.

Then, on **12 August 1652**, the Act for the Setting of Ireland.

It sorted the population of a country into categories by conduct. Death and forfeiture for those who had taken part in the rising of 1641, for named Confederate and royalist leaders, and for Catholic clergy held responsible for fomenting it. Total forfeiture of estate for those who had borne arms against the parliament.

And then the clause that did most of the work, and that gives this module its title. Anyone who had been resident in Ireland during the relevant period and who had not

> *manifested their constant good affection to the interest of the Commonwealth of England*

was to lose three-quarters of his land, receiving in lieu an allotment of a proportionate value in Connacht or Clare.

Look at what that provision is, as a legal instrument. It does not require that the accused have done anything. It requires that he have **manifested constant good affection** — a positive, continuous, demonstrable attachment to a regime that had existed for three years and was governing his country by conquest. Neutrality is the offence. Having stayed at home, kept out of it, and hoped to be left alone is a forfeiture of three-quarters of an estate.

A test of sentiment, applied retrospectively, with the burden of proof on the accused. The corpus has met confiscation for acts and confiscation for status. Confiscation for insufficiently demonstrated enthusiasm is new, and it is worth flagging as a type, because it has the property of being unfalsifiable: there is no evidence a man can produce that constitutes proof of constant good affection, and the tribunal knows it.

The survey, and the mechanism of payment

Before the land could be distributed it had to be measured, and the measurement is one of the most remarkable administrative acts of the century.

The **Down Survey**, carried out between 1654 and 1656 under William Petty, mapped the forfeited lands of Ireland barony by barony and parish by parish — the first systematic cadastral survey of an entire country attempted anywhere in Europe. It was called the Down Survey because the results were set down in maps.

The finding this confirms is one the corpus has now obtained three times. **Legibility precedes the settlement.** The study of Henry's dissolution established that the £200 threshold in the 1536 Act could not have been drafted before the *Valor Ecclesiasticus* and was drafted fourteen months after it — that for a taker who must legislate, the register comes first and makes the taking draftable, where for a conqueror it comes afterwards and records what has happened.

Here the requirement is more absolute still, because the settlement was a debt to be paid **in acres**. You cannot discharge an obligation denominated in acres without knowing where the acres are and what they are worth. Petty's maps are not a record of the settlement; they are the instrument that made the settlement arithmetically possible.

And then the payment mechanism, which is the part to watch.

The soldiers were paid their arrears in **debentures** — certificates entitling the holder to a stated value of forfeited Irish land. A trooper owed two years' pay received a piece of paper redeemable in acres in a country he had helped conquer and had no intention of living in.

What happens to such a paper is entirely predictable and it happened at once. **The debentures were sold, at a discount, to officers and speculators who had the capital to wait and the standing to enforce.** Something like twelve thousand Cromwellians received Irish land; a great many sold up and went home; and the holdings concentrated upward and outward within a few years of the distribution.

A floor paid off in land it has itself seized converts into a landed class at the top of the army and a set of discharged soldiers at the bottom holding nothing. That is

a general finding and it should go on the card, because it explains why armies paid in land so seldom produce the yeoman settler class their sponsors imagine.

The scale of what moved is not seriously disputed in its outline, though every figure should be carried as a range. Catholic landownership in Ireland is conventionally put at about sixty or sixty-one per cent of the land in 1641 and at something under ten per cent — figures of eight to nine per cent are commonly given — by the end of the 1650s. Transplantation to Connacht and Clare was ordered and partially executed from 1654; the proverb *to Hell or to Connaught* is traditional and its attribution to Cromwell himself is not established, and this study does not make it.

Which fiction was this?

Now the classification, and it is the module's structural claim.

The collection now holds five settlement fictions: **vacancy** (declare the ground empty), **recognition** (confirm an elite in what you are in fact granting it), **divisibility** (partition a collective holding into saleable shares), **substitution** (seat a follower in a named dead predecessor's exact position), and **surrender** (manufacture the grounds and have the holder convey), which the Henry study added.

Run them.

Vacancy was not available and was therefore **manufactured**. The transplantation to Connacht is the vacancy fiction produced by administrative order rather than found on the ground: move the population west of the Shannon and the land east of it becomes distributable. That is a variant worth naming, because it is what a taker does when he needs vacancy and the country is visibly full.

Recognition and **divisibility**: not used.

Substitution: partly. Soldiers and Adventurers were seated in named forfeited estates, and the Down Survey's parish maps are exactly the record that makes substitution administrable.

Surrender: not available, and the reason is the whole case. Surrender requires a signature from the dispossessed, and a signature requires a taker whose lawfulness makes refusal a crime. **Nobody conveys his estate voluntarily to men who have just executed the king from whom he holds it.** There were no seals to be obtained.

Which leaves **forfeiture for treason** — and forfeiture carried the entire settlement, in England and in Ireland alike.

Set that beside what the Henry study found. In the Act of 1539 confirming the surrenders of the great monasteries, the crown recited at length that the houses had been given up *of their own free and voluntary minds, good wills and assents, without*

constraint, coaction, or compulsion of any manner of person or persons — and then, in the operative part, added a short exception in brackets:

> *(except such thereof as be come to the King's Hands by Attainder or Attainders of Treason)*

Three abbots would not sign, and were hanged, and their houses came in by that parenthesis.

Cromwell built his entire settlement on the parenthesis.

That is not a rhetorical flourish; it is a structural prediction with a testable consequence, and the consequence is the rest of this module. Forfeiture is the weakest of the fictions, because it rests wholly and visibly on the authority of the taker. A gift cannot afterwards be reversed as a seizure — to unwind it you must impeach the free will of a grantor who signed, sealed, and took a pension, and the statute forecloses the argument on the face of the record. A seizure can be reversed as a seizure, because that is exactly what it is, and the only question is whether the seizer had the right.

The reversal

On 29 May 1660 Charles II entered London. His reign was dated in law from **30 January 1649** — the moment of his father's death. Which meant that in the eye of the law he had been king throughout, and that the eleven years between had not happened.

Every act of the Rump, of the Nominated Assembly, and of the Protectorate parliaments lacked the royal assent, and was therefore not an Act at all. Every confiscation made under them was made by persons with no authority. Every conveyance under those confiscations was a conveyance by a vendor who had nothing to convey.

And so:

Crown lands were restored automatically. They had never lawfully been alienated.

Church lands were restored automatically, to the bishops, deans and chapters whose offices had likewise never lawfully been abolished.

Royalist estates taken by the Acts of Sale were restored.

And the purchasers received almost nothing. The Declaration of Breda had promised that the question would be settled by parliament, and Charles had agreed in principle to compensation. In practice some purchasers of crown and church land were granted leases at low rents; most got neither compensation nor land. The reasoning that emerged was the arithmetic recorded earlier in this module: the sale prices had

been calculated on roughly ten years' income, and the interval between the sales of around 1650 and the restorations of 1661–62 was roughly ten years. **They were held to have enjoyed what they had paid for.**

A man who had bought a manor from the Commonwealth in 1650 was, in 1662, a man who had rented one for a decade at full price and now had nothing.

And now the single most important sentence in this module.

The transactions that survived the reversal were the ones in which the losing owner had signed.

Land that royalists had sold *themselves* — privately, voluntarily, to raise the money for their composition fines and the assessment — **remained valid, and was not restored.** Those were conveyances by an owner with title. Nothing in the Restoration touched them, and nothing could, because to undo them the crown would have had to impeach the free will of vendors who had signed their own deeds.

That is the Henry finding, arriving from the other side, and the two together give the corpus a rule it can carry anywhere:

> ***A settlement taken by the holder's signature survives a hostile successor regime. A settlement taken by forfeiture does not. The difference is not the price paid, the good faith of the buyer, or the number of years he has held; it is whose hand is on the instrument.***

Mary Tudor reversed the entire doctrinal settlement of England in under two years, with a papal legate at her elbow and three hundred people burned, and could not recover an acre of abbey land — because her own parliament would not repeal without a saving, and because the deeds bore the abbots' seals. Charles II reversed a settlement of comparable scale in about eighteen months, without burning anybody, because nobody's seal was on anything.

The settlement that had already reversed itself

And there is a second mechanism, less visible and possibly more important, which the framework should note because it operates without any regime change at all.

Royalists bought their own land back. Not openly — a delinquent could not appear as a purchaser of confiscated delinquents' estates — but through agents, nominees, friends and relatives, using money raised by mortgaging what they still held. Joan Thirsk's work on the south-east found that something like seventy per cent of the land transactions in that region involved the eventual return of property to its former owners or their families.

Why was it possible? Because **the title was known to be bad, and the market priced it.**

A buyer contemplating a confiscated estate in 1652 had to weigh the possibility that the regime selling it would not last, and that when it fell his deed would be waste paper. That risk was in the price. Prices were low, the pool of willing purchasers was narrow, and the men most willing to pay were the men with the strongest non-financial motive — the dispossessed families themselves.

Now compare directly with the settlement fifteen decades earlier, because the comparison is the finding.

Henry sold at **twenty years' purchase**, close to the ordinary commercial rate of the day, to several thousand families across every county in England, because his title was good and everyone knew it. The result was a broad, deep, geographically distributed constituency whose deeds were only as good as the Acts, and who therefore acquired a permanent commercial interest in the permanence of the Reformation. It held for four centuries.

The Commonwealth sold at a discount, to a narrow pool, much of it circling back to the original owners through nominees, because its title was bad and everyone knew that too.

The quality of the vendor's title determines both the price he gets and the size of the constituency he creates — and the constituency is the entire point of selling. A regime with a doubtful title is therefore punished twice: it realises less money, and it manufactures fewer defenders. The Commonwealth needed the money and needed the defenders, and its own illegitimacy denied it both.

This refines rather than contradicts the Henry study's central finding. **Purchase does bind the buyer, and it binds him to the statute book rather than to the ruler.** But binding a man to the statute book is worthless if the statutes are subsequently held never to have been statutes. The buyer's loyalty attaches to the legislation; void the legislation and there is nothing left for it to attach to.

Except in Ireland

And here is the control case, which isolates the variable.

The Cromwellian land settlement in Ireland substantially stood.

It was modified. The Act of Settlement of 1662 established a Court of Claims through which dispossessed Catholics could plead innocence, and required Cromwellian grantees to give up a portion of their allotments; the Act of Explanation of 1665 worked through the resulting chaos. Some restorations were made, chiefly to

men with claims on the king's personal gratitude. Ormonde and the royalist Irish pleaded hard.

But the fundamentals held. Catholic landholding rose from something under ten per cent to around twenty or twenty-two per cent, and by 1703 had fallen again to about fifteen. The Court of Claims ran out of land long before it ran out of claimants; where it found for a Catholic, the Cromwellian in possession frequently refused to move; and thousands of families never recovered anything.

The legal position was identical to England's. Same vendor, same void authority, same absence of any signature from the dispossessed. If the void-title argument were sufficient, the Irish settlement should have collapsed exactly as the English one did.

It did not, and the reason is not legal at all.

Charles II could not afford to dispossess the men who held Ireland for him. The Protestant interest in Ireland — Adventurers, Cromwellian officers, soldiers who had stayed, and the older Protestant landowners alongside them — was the whole of English power in that country, and it had declared for the Restoration. To have restored Catholic Ireland to its 1641 proprietors would have been to dismantle the only apparatus through which the king could govern the island, in favour of a population whose loyalty was, from Whitehall's position, the original problem.

So the second finding, which completes the first:

> ***A void title survives if the new sovereign needs the holders.***

Durability of a settlement is therefore a function of two variables, not one: the **lawfulness of the vendor**, and the **indispensability of the beneficiaries**. Henry had both — a good title and a buying class that ran the counties and sat in the Commons. Cromwell had neither in England and only the second in Ireland.

And the outcome tracks the variables with something close to precision. Where he had neither, the settlement was gone within two years. Where he had one, it lasted two centuries and shaped the whole subsequent history of a country.

Reading the settlement against the framework

Six contributions, of which the fifth is the study's central claim.

Where the floor is a creditor, the settlement is debt service. The New Model's arrears and the Adventurers' subscriptions determined what had to be taken and when, and no one in the Commonwealth was free to be moderate. **Read the arrears before reading the confiscations.**

Pre-emptive sale is a settlement fiction that precedes the conquest, and it belongs on the card. The Adventurers' Act of 1642 sold two and a half million acres of a country parliament did not hold, at fixed rates, to fund the army that would take it. Its distinguishing property is temporal: the terms are fixed before the war, the beneficiaries hold a debt rather than a hope, and the state cannot afterwards moderate the settlement without defaulting on its own creditors. Look for it wherever a conquest was financed by subscription.

Vacancy can be manufactured. Where a taker needs empty ground and the country is full, transplantation supplies by administrative order what extermination or depopulation supplies elsewhere.

Confiscation for insufficiently manifested affection is a distinct type and it is unfalsifiable by design. The 1652 Act did not require the accused to have done anything; it required him to have *manifested constant good affection*, positively and continuously, to a regime three years old. Neutrality was the offence, the burden lay on the accused, and no evidence exists that could discharge it.

Forfeiture is the weakest fiction, and this case demonstrates it by having nothing else. In the Henrician settlement forfeiture was the parenthesis — the route reserved for the three abbots who would not sign, named in brackets in the middle of a sentence about free and voluntary minds. Cromwell built his whole settlement on that parenthesis, because surrender was unavailable to him: a taker whose own authority is contested cannot make refusal a crime, and therefore cannot obtain a signature. And **a settlement resting on forfeiture rests wholly on the authority of the taker, which means a successor who denies that authority voids the settlement in a sentence.**

Which yields the rule the corpus should carry:

> ***The transactions that survive a hostile restoration are the ones in which the losing owner's hand was on the instrument.*** *Crown lands, church lands and confiscated royalist estates went back. Land royalists had sold themselves to pay their fines stayed sold. The distinguishing feature is not the price, the good faith of the purchaser or the passage of time. It is a signature.*

And durability requires two things, not one: a lawful vendor and indispensable beneficiaries. England had neither and the settlement lasted eighteen months. Ireland had the second and it lasted two hundred years. This is the cleanest natural experiment the collection has yet found, because the legal position in the two countries was identical and only the political necessity differed.

Three disciplines to close.

The first is against reading the confiscations as greed. The regime had an unpaid army quartered on the population, and an unpaid army is the most dangerous object in any polity — the men of 1647 knew it, the men of 1660 knew it, and the disbandment of the army with its arrears settled was among the Convention Parliament's first and most urgent acts. The Commonwealth had a real problem, no lawful revenue, and one large asset. Legibility is not pardon, and it is not condemnation either.

The second is against reading the Restoration land settlement as justice. The crown got its estates back; the bishops got theirs; the great royalist families largely recovered, having in many cases already bought back through agents. The small purchaser who had paid full price in 1651 for a Yorkshire manor got a decade's rent and nothing else. And in Ireland the dispossessed were offered a Court of Claims that ran out of land, in front of judges appointed by a parliament from which they were excluded, against occupants who often simply refused to go.

And the third is the gravity, which in this module is a distance on a map. Transplantation meant families west of the Shannon: households with a decree in their hands entitling them to a proportionate allotment in Connacht or Clare, travelling in winter, to land they had not seen, in a province chosen because it was poorer. How completely the policy was executed is disputed and Module 11 will have to weigh it. That it was ordered, in a statute, against people whose offence was that they had not sufficiently manifested their affection, is not.

A note on sources. Quoted exactly from public-domain primary texts: the Act for the Setting of Ireland of 12 August 1652, at the requirement that a person have *manifested their constant good affection to the interest of the Commonwealth of England*, and its provisions as to death, total forfeiture, three-quarters forfeiture and allotment in Connacht or Clare, from the text in *Acts and Ordinances of the Interregnum* as reproduced in the standard sources; and the exception clause of the Act for the Dissolution of the Greater Monasteries, 1539 (31 Hen. VIII c. 13), *(except such thereof as be come to the King's Hands by Attainder or Attainders of Treason)*, together with that Act's recital of *free and voluntary minds, good wills and assents, without constraint, coaction, or compulsion of any manner of person or persons*, both as sourced in the companion study of Henry VIII's settlement.

Paraphrased and credited to modern scholarship: the sequence of English confiscations — episcopal lands from 1646, dean and chapter lands from 1649, crown lands from 1649, and the three Acts of Sale of 1651–52 naming something in the region of 780 royalists — and the parliamentary surveys that preceded sale, including the convention of pricing on roughly ten years' income; the operation of sequestration and composition through the Committee for Compounding; the Adventurers' Act of

1642 and its offer of some two and a half million acres at rates varying by province; the Down Survey of 1654–56 under William Petty; the debenture system by which soldiers' arrears were converted into claims on Irish land, and the rapid concentration of those claims through sale at a discount; the Restoration land settlement as set out by the Convention Parliament of 1660, the automatic restoration of crown and church lands, the restoration of estates confiscated by the Acts of Sale, the absence of effective compensation for purchasers, and the validity of sales made voluntarily by royalists to meet composition fines; Joan Thirsk's finding on the extent to which royalist land returned to its former owners through agents before 1660, and her figure for south-eastern transactions; and the Irish Acts of Settlement (1662) and Explanation (1665), the Court of Claims, and the partial and contested restoration that followed.

Contested figures are given as ranges. Catholic landownership in Ireland is conventionally given at about 60–61 per cent in 1641, falling to something under 10 per cent (commonly 8–9 per cent) by the late 1650s, rising to about 20–22 per cent after the Restoration Acts, and standing at about 15 per cent by 1703; all are estimates derived from the surveys and should not be treated as measurements. The number of Cromwellian grantees in Ireland is commonly given at about twelve thousand. The sums raised under the Adventurers' Act fell well short of the million pounds sought and the shortfall is reported differently in different accounts; no figure is asserted here. The number of royalists named in the Acts of Sale, the proportion who compounded rather than being confiscated, and the total realised from the English sales are all disputed and are given approximately. Joan Thirsk's seventy per cent figure is regional and should not be generalised to England as a whole. The extent to which transplantation to Connacht was actually carried out, as against ordered, is genuinely disputed in the scholarship and is deliberately not resolved here. The proverb *to Hell or to Connaught* is traditional and is not attributed to Cromwell in this study. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 3

I Would Not Build Jericho Again

The robe — a legitimating claim searched out of the one library available, which needed no forging because it was genuine, and which for that same reason could not be monopolised, banned, or won

What was not available

A robe's job is to make an order look like the shape of the world rather than the outcome of a recent fight, so that the floor beneath it need seldom be used. Every regime cuts its robe from whatever material is lying in its field of the visible, and the material available to the English Commonwealth was unusually thin.

Descent was gone. That is what the axe was for.

The common law was worse than unavailable; it was hostile. The law of England ran in the king's name, indictments laid offences against his peace and dignity, judges held during his pleasure, and the whole apparatus of title descended from him. And the trial itself had been conducted in the face of an objection that no lawyer could answer: Charles refused to plead on the ground that the court had no lawful authority over him, and as a proposition about the existing law of England he was right. The Commonwealth's most eminent lawyers spent the next decade in an awkward silence.

The chronicles were unavailable, and this is the sharpest contrast with the previous case in this sequence. The English chronicle tradition is a record of kings. There is no English precedent for a republic, none for the abolition of monarchy, and none for a legislature sitting without a sovereign. The one genuinely native argument in the field — the ancient constitution, and the Norman Yoke thesis that a free Saxon polity had been overlaid in 1066 — was used, and was useful, but it is by construction a **restorative** claim. It argues for recovering something lost. It cannot carry the abolition of an institution that had been there under the Saxons too.

The classical republics were available and were used. Marchamont Nedham, running the government's newsbook *Mercurius Politicus*, argued that there was no difference between a king and a tyrant and that the English would learn to prize their freedom as the Romans had. Milton reached for Brutus. But a godly commonwealth cannot rest its title on pagans, and the men who mattered in the army would not have accepted a claim founded on Rome.

Which leaves one library, and it was not a poor second. **Scripture was the only source available that was simultaneously authoritative, universally known, in English, and — this is the point that will decide everything — not owned by anybody.**

How the library got there

The Landscape established the mechanism and it needs restating here because the whole module runs on it.

When the church of Constantine established itself as the religion of the Roman state, it brought with it a canon it had inherited whole. Christianity did not adopt only the teaching of Jesus of Nazareth. It adopted, bound into the same volume and declared equally the word of God, the collected scriptures of the Jewish people — which are not primarily a book of ethical instruction but the political, legal and military history of a nation, complete with its statutes, its dynastic quarrels, its constitutional crises, and the judgments pronounced upon them.

The consequence is that every Christian polity in Europe carried, at the sacred centre of its own literature, a complete worked archive of a monarchy, compiled by people who had lived under kings and had mixed feelings about it.

And the decisive structural feature is what kind of document that archive is. **It is not a doctrine. It is a precedent library.** It does not say *this is what you must do*; it says *this was done, and this is how it was judged*. Which makes it functionally identical to a body of case law, and it is used in exactly the way a body of case law is used: a man with a problem goes in and finds the case that fits.

Everything a monarchy can do has already happened there. A people demanding a king against God's advice and being warned what it will cost them. A general refusing a crown. A reigning anointed king rejected and the kingdom rent from him. A king who takes a subject's land by judicial murder and loses his dynasty for it. A prophet with no office pronouncing the destruction of a house. A soldier anointed specifically to exterminate one. And a law of the king, in the founding statute of the nation, enumerating what he may not do.

Two searches, compared

The previous case in this sequence performed the same operation on a different library, and setting the two side by side is the most useful thing this module can do.

In 1530 Henry VIII was presented with the *Collectanea satis copiosa* — a compilation assembled by Edward Foxe, Thomas Cranmer and Nicholas de Burgo out

of scripture, conciliar decrees, Anglo-Saxon laws, Roman law and the English chroniclers, to establish that the kings of England had never had a superior on earth. Manuscripts were fetched out of monastic libraries into the royal library. The king annotated the result heavily and believed it.

Its keystone was a letter said to have been written by Pope Eleutherius in the second century to a British king called Lucius, telling him he had no need of Roman law because he was already God's vicar in his own kingdom. If authentic, the case closes before it opens. It is not authentic. It reached England through the *Leges Anglorum* tradition and flowered in Geoffrey of Monmouth's twelfth-century *History of the Kings of Britain*, a book that also gives England a Trojan founder — and by 1530 the crown's own Italian historiographer had been treating Geoffrey's British material as fable for two decades.

It went into the preamble of an Act of Parliament in 1533 all the same, under the formula *divers sundry old authentic histories and chronicles*, and the study of that robe drew a general finding from it: **a robe does not need to be true; it needs to be citable.** What a preamble requires is a source a court will read, not a source that would survive a seminar.

Cromwell's search needed no forgery, and the difference is the whole of this module.

The texts he reached for are real. They are canonical. They are printed in every parish church and in a great many houses. Nobody had to manufacture 1 Samuel 8; it was simply there, and had been for two and a half thousand years, and every literate person in England had heard it read.

That makes this robe stronger than Henry's in two respects and catastrophically weaker in a third.

Stronger, because it is unforgeable. There is no Polydore Vergil to point out that the keystone is a romance.

Stronger, because it is unbannable. The study of Henry's information policy found that a licensing proclamation in November 1538 established pre-publication censorship in England for the next century and a half. No licensing system can suppress a text the state itself requires to be read aloud weekly in every parish.

And fatally weaker, because it cannot be monopolised. A chronicle-based claim can be: the manuscripts are few, the scholars are the king's servants, and doubts stay inside the royal service. A scriptural claim cannot, because the source is in the other side's hands too, at the same price, in the same binding — and **Romans 13 is in the same volume as 1 Samuel 8.**

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. That was the crown's principal proof-text and it is unanswerable on its own terms. The only way past it is to argue that the man on the throne is not the ordained power — which is precisely what the Old Testament supplies case after case of, and precisely what the other side denies.

The argument was therefore unwinnable, in both directions, forever. Which is what a robe drawn from an unmonopolised source always produces, and the finding generalises: **where a legitimating claim is drawn from a text the ruled also possess, expect a counter-claim from the same text and expect the dispute to be permanent.**

What was actually cited

The regicide

Within a fortnight of the execution John Milton published *The Tenure of Kings and Magistrates*, arguing that magistrates derive their authority from the people, that a tyrant may lawfully be deposed and put to death, and marshalling for the proposition both Old Testament examples and classical tyrannicides. In March the Council of State appointed him Secretary for Foreign Tongues. **The state hired the man who had written its justification, five weeks after he wrote it.**

But notice the division of labour, because it is evidence about audiences.

The **pamphlets** are scriptural. The **statutes are not.** The Act abolishing the kingly office argues from *experience* — that the office has been found by experience to be unnecessary, burdensome and dangerous, and that the regal power has been used to oppress, impoverish and enslave. There is no scripture in it at all.

That split is the module's first hard evidence about who the robe was cut for. **Parliament was to be given a secular argument from consequences; the army and the godly were to be given scripture.** The Henry study found the same structure with different contents: statutes drafted for a chamber that would vote for a schism and not for a heresy, and a separate register for other audiences entirely.

The Barebones Parliament: a constitution taken out of the library

In 1653, having dissolved the Rump by force in April, Cromwell and the Council of Officers did something for which there is no English precedent whatever and an obvious scriptural one.

They summoned an assembly of a hundred and forty men, **nominated rather than elected**, chosen from lists supplied by the gathered congregations and settled by the

officers, on the criterion of godliness. It sat from July to December 1653 and is called the Nominated Assembly, or Barebones Parliament after one of its members.

Contemporaries understood what model was being followed, and said so, sometimes admiringly and sometimes as mockery: this was a **Sanhedrin** — an assembly of elders in the manner of Israel, where Moses had been commanded to gather seventy men of the elders of the people to bear the burden with him.

Cromwell's opening speech of 4 July 1653 is among the most remarkable state papers of the century and it is very largely scriptural. He told them that God had called them to this work by as wonderful providences as ever passed upon the sons of men in so short a time, and he preached at them out of the Psalms.

Read that as a constitutional act. A country with four centuries of parliamentary practice, a franchise, writs, returns and precedent, replaced its legislature with a body constituted on the model of an assembly of Hebrew elders, because the model was in the library and the library was the criterion.

It lasted five months, achieved almost nothing, was paralysed by its radicals, and dissolved itself by handing power back to Cromwell in December. The Instrument of Government followed within days.

The Fifth Monarchy, and the library's other users

And here the danger becomes explicit.

The Book of Daniel describes four successive monarchies — read in the seventeenth century as Babylon, Persia, Greece and Rome — followed by a fifth, which is the kingdom of the saints and shall not be destroyed. A substantial body of men in the army and in the Nominated Assembly held this as a literal political programme: the fourth monarchy had just fallen in England with the head of Charles Stuart, and the fifth was to be instituted, by the saints, now.

Cromwell had used that register himself. He could not answer it.

That is the structural cost of making a library the criterion, and it should be stated as a general finding. A ruler who legitimates himself out of a canon has conceded that the canon decides. He cannot then tell men who read it differently that they are out of order, because there is no "out of order" — there is only a better or worse reading, and the question of who adjudicates readings is exactly what he has left unanswered. He suppressed them in the end, with the floor. There was nothing else to suppress them with.

1657: the crown, and the curse

The centrepiece.

In February 1657 the second Protectorate Parliament presented the Humble Petition and Advice, offering Cromwell the crown. He took six weeks over it, in a series of meetings with a committee of ninety-nine members whose task was to persuade him.

He was attracted by it. Kingship was a known office with known limits, defined by centuries of law, and every lawyer in England understood what a king could and could not do — which is precisely what nobody understood about a Lord Protector. A great many of his own supporters, including men who had helped abolish the monarchy, had concluded by then that only a king could stabilise the country.

And in April he told the committee why he would not:

> *I would not seek to set up that which Providence hath destroyed and laid in the dust, and I would not build Jericho again.*

Joshua 6. The walls fell at the blast of the trumpets, and the city was taken, and Joshua then laid a curse upon the man who should rise up and build the city of Jericho again.

The office of king is Jericho. God threw it down. To rebuild it is to invite the curse.

That single sentence is the whole thesis of this module, and it should be examined slowly, because a great deal is happening in it.

A man is declining the crown of England — a decision of the first constitutional importance, taken by the head of state, on which the future government of three kingdoms turns — and the ground he gives is **an event in the conquest of Canaan and a curse pronounced over a ruined city in the Bronze Age.**

He is not using an illustration. He is citing a precedent, in the way a lawyer cites a case, and it is doing the actual work of the decision. Kingship has been thrown down by God; the archive contains a case of a thing thrown down by God and a curse on rebuilding it; therefore rebuilding kingship falls under the curse.

Everything a monarchy can do had already happened, and been judged, in a book that every literate household in England possessed. The user of the library goes in with a question and comes out with an answer, and the answer is genuine — it really is in there.

And the second half of the same story completes the machine from Module 1. **Joshua 7**: after Jericho, a man named Achan took of the devoted spoil and hid it, and Israel was beaten at Ai, and the defeat was read as evidence of a sin in the camp, and the sin was found by lot and purged.

In 1655, when the Western Design failed at Hispaniola, Cromwell is reported to have compared himself to Achan.

Set those two together and the providence mechanism is complete and closed. Victory is a verdict for you: Jericho fell. Defeat is a verdict against you and the ruler must search himself for the sin that caused it: Ai. And when the two are held together, the crown becomes unaccepted, because taking it would be building Jericho and inviting the third judgment.

There is a last detail, and it is evidence about audiences of the sharpest kind. When Cromwell finally refused in public — before the House of Commons in the Banqueting House on 8 May 1657 — he used **no scriptural language at all.** The speech is plain, short, and constructed so as to be impossible to misinterpret: they had a right to make the offer, private judgement must generally give way to parliament, but he was answerable to a conscience before a higher authority, and he could not undertake it.

Scripture for the committee behind closed doors; plain English for the record. A robe cut for two audiences, and the drafting tells you which one he thought was watching.

The counter-robe, and the test it failed

The Henry study proposed a diagnostic for whether a robe is load-bearing: **publish its refutation and see whether anything moves.** Saint-Domingue's robe survived the publication of its own complete demolition in the *Encyclopédie*, because nothing rested on it.

Here the test runs in the opposite direction and gives a devastating result.

Within days of the execution there appeared *Eikon Basilike — the royal image* — purporting to be Charles I's own meditations upon his sufferings, with a frontispiece of the king kneeling, putting aside an earthly crown and grasping a crown of thorns. It went through edition after edition through 1649 and was the outstanding publishing success of the century.

The Council of State commissioned Milton to answer it. *Eikonoklastes* — the image-breaker — appeared in October 1649. It is careful, learned, and furious, and it demolishes the book's argument point by point.

And it lost, comprehensively. The Commonwealth's own official controversialist, one of the greatest polemicists in the language, writing with the resources of the state behind him, could not out-sell a dead king's devotions. The martyr image took, and it held, and eleven years later it helped carry Charles II back to London.

The lesson is not that Milton wrote badly. It is that **a robe of descent absorbs a defeat and a robe of providence cannot.** The Landscape and Module 1 established the mechanism; here is the market data. Charles lost every argument, every battle, his

liberty and his head, and remained the lawful king in the settled opinion of a very large part of his subjects, because his title rested on descent and descent does not move. The Commonwealth won every battle and could not persuade the country that it was lawful, because its title rested on results and results are always provisional.

Four constitutions in nine years

And here is the plainest possible evidence that none of it took.

1649: the Commonwealth — a Council of State and a purged single chamber, with no written instrument at all. **1653**: the Nominated Assembly, constituted on a scriptural model, lasting five months. **December 1653**: the Instrument of Government, drafted by Major-General Lambert and the officers — the first and only written constitution England has ever had, establishing a Lord Protector, a Council, and triennial parliaments. **1657**: the Humble Petition and Advice, offering a crown, refused, and then adopted in amended form with a second chamber and the right of the Protector to name his successor.

Four legitimating instruments in nine years, two of them abandoned within months of adoption.

Set that beside the case this study is paired with. Henry's theory was assembled in 1530, deployed in statute from 1533, and its essentials — the imperial crown, the supremacy annexed and heritable, the appeal foreclosed — were not seriously altered for four hundred years. One search, one instrument, four centuries.

So the diagnostic, which is cheap and travels: count the constitutions. An order that produces one legitimating instrument and keeps it has a robe. An order that produces four in nine years is not refining a robe; it is telling you, in the most public way available to it, that none of them fitted, and that the men re-cutting it know.

Reading the robe against the framework

Five contributions.

A canon is a precedent library, and bundling is how a library reaches a place its compilers never imagined. The Hebrew scriptures entered European political life as a by-product of a fourth-century decision about religious canon that had nothing whatever to do with the government of England. **Any order that sacralises a text inherits everything in that text, including the parts that arm its enemies — and it cannot edit them out, because editing concedes that the text is editable, which destroys the sacralisation.** James I attempted the smallest available version of the edit,

removing the marginal notes, and it changed nothing, because the notes were not the archive.

Robe-building is a search, and the corpus can now compare two searches on the same throne. Henry's team searched a library of chronicles and had to forge the keystone. Cromwell searched a library of scripture and forged nothing, because the material was genuine. The finding that **a robe must be citable rather than true** survives — but this case adds the corollary that a genuine, canonical, universally distributed library produces a robe with three properties a manufactured one lacks: it cannot be forged, it cannot be banned, and it cannot be monopolised.

And the third of those is fatal, which is the module's central claim. A robe is only as good as the exclusivity of its source. Where the source is in the ruled's own hands — where the other side owns the same book — the argument becomes permanent and unwinnable, because every citation can be met with a counter-citation of equal canonical standing. Romans 13 and 1 Samuel 8 sit in the same binding, and no amount of learning settles which governs. **Diagnostic: where a regime's legitimating claim is drawn from a source its opponents also possess, expect a counter-robe from the same source, expect neither side to be able to win, and expect the dispute to outlive both.**

A results-sensitive robe produces a constitution that cannot be finished. Module 1 established that providence is two-way. The constitutional consequence appears here: because the verdict can change, the settlement of the government has to be revisited every time it does, and a regime in that position will keep re-drafting its own foundation. Four constitutions in nine years is not incompetence. It is the mechanical output of a title that has to be re-earned.

And the two-audience split is visible in the drafting itself. Scripture in the pamphlets and in the closed committee; consequences in the statutes and in the public refusal. **Read what register a regime uses where, and you have identified whose belief it thinks it needs.**

Three disciplines to close.

The first is against reading the scriptural language as decoration over a secular calculation. The sources do not support it and the Achan episode makes it close to unintelligible: a head of state privately identifying himself with a man executed for concealing plunder, because a colonial expedition failed, is not the behaviour of someone operating an instrument. Everything in the record suggests Cromwell meant every word.

The second is the mirror error, and this collection's standing discipline covers it. That a belief was sincerely held does not make it less a mechanism, and that a

mechanism was in operation does not make the belief a lie. The Architect and the Inheritor is explicit: a built thing that becomes real is more durable than any fraud, precisely because nobody is maintaining it. What this module claims is not that Cromwell was dishonest but that the library had a structure, and the structure had consequences he did not choose and could not have foreseen.

And the third is that both sides were reading the same book and both meant it. Charles I on the scaffold said he died a Christian according to the profession of the Church of England as he found it left him by his father. The men who signed his death warrant believed they were executing the judgment of God upon a man of blood. Neither was pretending, and the collection's business is not to award the argument but to notice that the argument could not be awarded — because the arbiter both sides had agreed on was a library, and the library said both things.

A note on sources. Quoted exactly from public-domain primary texts: the Act for the abolishing the Kingly Office of 17 March 1649, as sourced in the Landscape of this study; Romans 13:1 and the passages of Joshua 6 and 7 referred to, from the Authorised Version; and Cromwell's words to the parliamentary committee in April 1657, *I would not seek to set up that which Providence hath destroyed and laid in the dust, and I would not build Jericho again*. **That sentence requires a provenance note.** It survives through the reports of the meetings between Cromwell and the committee of ninety-nine and is variously given as *I would not* and *I will not*, and as *that which Providence hath destroyed* and *that that providence has destroyed*; it is dated in most accounts to 13 April 1657. It was **not** part of the formal public refusal of 8 May, which the specialist commentary notes was conspicuously free of biblical language — a contrast this module treats as evidence and which the reader should be able to check. The comparison of himself to Achan following the failure of the Western Design in 1655 is likewise reported rather than minuted and is given as such.

Paraphrased and credited to modern scholarship: John Milton's *The Tenure of Kings and Magistrates* (February 1649) and its use of Old Testament examples and classical tyrannicides, and his appointment as Secretary for Foreign Tongues in March 1649; *Eikon Basilike* (1649), its publishing history and its frontispiece, and Milton's *Eikonoklastes* (October 1649) written in answer to it at the Council of State's direction; Marchamont Nedham and *Mercurius Politicus*, including his argument that there is no difference between a king and a tyrant, which is quoted in the modern literature from *The Case of the Commonwealth of England Stated*; the summoning, composition and dissolution of the Nominated Assembly of 1653, its 140 members chosen from congregational nominations, and the contemporary understanding of it on the model of a Sanhedrin; Cromwell's opening speech to that assembly of 4 July 1653; the Fifth

Monarchist reading of Daniel and its presence in the army and the Assembly; the Instrument of Government of December 1653 and the Humble Petition and Advice of 1657; and the ancient-constitution and Norman Yoke arguments in the political literature of the period. The *Collectanea satis copiosa* material, the Lucius–Eleutherius letter and Polydore Vergil's scepticism are as sourced in the companion study of Henry VIII's robe.

Contested points are flagged. The precise composition and selection of the Nominated Assembly, and how far the Sanhedrin model was an intention of its designers rather than a description applied by contemporaries and by later historians, are disputed; this module reports the contemporary usage and does not assert a design. The date and exact wording of the Jericho sentence are as set out above. The extent to which the Instrument of Government was Lambert's personal work is disputed. Whether Cromwell's refusal of the crown is better explained by conscience, by the opposition of the army officers, or by both is a live disagreement in the scholarship and is deliberately not resolved here; this module takes only the proposition that the reason he gave to the committee was the one quoted. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 4

Having No Warrant in the Word of God

Formation — a regime that dismantled the apparatus it inherited and then declined, on principle, to impose a replacement; the calendar it converted from a free machine into an administrative cost; and an army that formed adults and therefore formed nobody after them

The fourth condition

Formation is not persuasion and it is not propaganda. It is the installation of the framework inside which opinions are afterwards formed — who counts as an authority, which sources may be trusted without checking, what is sacred and therefore not open to calculation, who one's people are, and what the story of the world is that all later facts must be fitted into. It works by arriving before the capacity to screen it has developed, and by having a life built on top of it.

From which follows the rule this collection has now confirmed several times over: **there is no unformed person.** To be unformed is not to be free; it is to be feral. Every population is being formed by somebody, always, and the only question a ruler faces is whose formation is running in his territory.

The corpus holds three conditions so far.

Kept. Meiji Japan captured the formation apparatus, retained the interpretive monopoly, and then built more of it — a state cult, a national school system, a conscript army that taught every young man, a rescript recited in every classroom.

Lost. Henry VIII captured the most complete apparatus in Europe — nine or ten thousand parishes, compulsory attendance, a trained speaker in each, the entire adult population assembled weekly and simultaneously — and destroyed its value by publishing the source, so that the cue certifying the interpreter came apart from the thing it certified. He tried to withdraw the book by statute five years later and could not.

Withheld. British Kenya declined to form the conquered, because forming them into the coloniser's story would have meant admitting them to it and honouring the promises the story made. The field did not stay empty; the old formation held it, and a generation later the population that had been refused had been formed anyway, by something the coloniser neither built nor could enter.

This case is a fourth, and it is the rarest: formation relinquished on principle.

The Commonwealth inherited a machine whose interpretive monopoly had already been broken a century earlier by Henry. It then dismantled a large part of the machine itself — the hierarchy, the liturgy, the calendar. And then, having cleared the ground, it declined to impose a replacement, because a great many of the men running it believed as a matter of conscience that no state ought to.

What follows is what happens next.

What was dismantled

The chain of certification

Episcopacy was abolished in 1646, and with it the apparatus by which a minister was made and known to be one: ordination by a bishop, licensing, institution, visitation, and the church courts that disciplined him and his parishioners alike.

That is not primarily a doctrinal act, whatever the men doing it thought. It is the removal of a **certification chain** — the mechanism by which a parishioner could know, without any capacity to judge for himself, that the man in the pulpit was authorised. The framework calls the underlying cue deference to a marked authority, and the marks were the whole point: the ordination, the institution, the bishop above him, the metropolitan above that.

Take the chain away and the question *by what authority does this man expound?* becomes live in ten thousand parishes at once, and there is no institutional answer to it.

The words people knew by heart

In January 1645 the Book of Common Prayer was replaced by the **Directory for Public Worship**, and its use was made illegal.

This is the single most underestimated act of the period and it deserves to be seen for what it was.

The Prayer Book was not chiefly a book of doctrine. It was a book of **fixed words that everybody in England knew by heart.** The same sentences at every baptism, every marriage, every burial; the same collects on the same Sundays; the psalter read through in a monthly cycle. A person heard those words as an infant at his own christening, said them at his marriage, and heard them said over his parents' graves. They were installed by repetition, in the mouth and the ear, from before memory.

A *Directory* is a different kind of document altogether. It instructs the minister what to do and in what order, and leaves the words to him.

Doctrinally, that was liberation, and the men who drafted it thought so. **Structurally, it removed the layer that the formed population held in common.**

After 1645 an Englishman going into a parish church in a strange county did not know what he would hear. Before 1645 he knew every word.

And the loss was invisible to the people causing it, because they were thinking about doctrine and the layer was not doctrinal. It was mnemonic. **A ruler who replaces a fixed liturgy with a discretionary one has removed a formation instrument while believing himself to be reforming a theology, and will not notice until the thing he removed is being missed.**

The calendar

And then the deepest cut, and it was made in writing with the reason attached.

The Directory ordered that Sundays be strictly kept, and that there be no other holy days at all:

> *festival days, vulgarly called Holy Days, having no warrant in the Word of God, are not to be continued.*

An ordinance of 10 June 1647 confirmed it and made the celebration of Christmas, Easter and Whitsun a punishable offence. Shops were to open; churches were to be shut; soldiers pulled down decorations and broke up clandestine services.

Now recall what a calendar is, in the terms this collection uses. The pre-Reformation English year was scored end to end — Advent, Christmas and its twelve days, Candlemas, Lent laid over the hungry gap, Palm Sunday, Easter, Rogationtide when the parish walked its own boundaries, Corpus Christi with its plays, Lammas at the first harvest, Michaelmas when rents fell due, All Saints and All Souls. Henry cut most of it; the Directory abolished the remainder.

And what replaced it is the finding.

Parliament instituted a **monthly day of prayer and fasting**, and appointed further days of humiliation after reverses and days of thanksgiving after victories, as occasion required.

Set the two systems side by side as machines.

A **cyclical calendar is self-running.** It requires no authority to act. Nobody has to decide that Easter falls this year. It repeats forever, at zero administrative cost, and it forms by repetition without any institution having to do anything at all. It is the cheapest formation instrument ever devised and it is entirely automatic.

An **announced observance is an administrative act.** Somebody must decide there is to be a fast; a proclamation must be drafted, printed and distributed; a reason must be given; ministers must be told; and it must be enforced, once, for that occasion, and then the whole apparatus must be reassembled for the next one. It carries no memory,

because it never recurs on a fixed date. And it stops the instant the government stops issuing proclamations.

The Commonwealth replaced a free perpetual machine with a recurring administrative cost. And there is a detail from 1644 which states the substitution more exactly than any commentary could: in that year Christmas Day happened to fall on parliament's monthly day of prayer and fasting, and it was ordered to be kept accordingly — as a fast. The highest feast of the old calendar overwritten by the routine observance of the new one, on the same date, by ordinance.

Look at what a regime does to the calendar. It is the cheapest available measure of whether it understands formation at all.

What was not built

Against all of that, what was constructed?

Not a catechism. No single national catechism was imposed and enforced on the children of England.

Not a liturgy. The Directory was, by design, not one.

Not a calendar. By design.

Not a school system. There were proposals, and some genuine local effort, and the universities were kept running. There was no Protectorate apparatus for the formation of children at national scale, and nothing approaching what Meiji Japan would build.

What there was, was the **Triers and the Ejectors** — commissions established in March and August 1654 respectively, the first to approve men presented to livings, the second to remove scandalous, ignorant and insufficient ministers and schoolmasters.

And the character of those bodies is the tell. **They vetted personnel for godliness and competence. They did not prescribe doctrine, and they could not**, because the Triers themselves were drawn from Presbyterians, Independents and Baptists who disagreed with one another about baptism, church government and the nature of the ministry, and who were sitting together precisely on the understanding that those disagreements would not be adjudicated.

A state that vets its ministers for sincerity rather than for content has already conceded that it will not impose a formation. It is running a quality filter on a channel whose output it does not control.

And then the principle

The Instrument of Government of December 1653 put it in writing. Liberty was granted to such as profess faith in God by Jesus Christ, though differing in judgement

from the doctrine publicly held — provided that this liberty be not extended to popery or prelacy, nor to those who under profession of Christ hold forth and practise licentiousness.

Cromwell meant it, and the strongest evidence is a thing he did not have to do. In 1655 and 1656 he pressed for the readmission of the Jews to England, from whom they had been expelled in 1290, and though no formal act was passed, the practical result was that a Jewish community was permitted to worship and to bury its dead in London for the first time in three and a half centuries.

Measured against Europe in 1656, that is remarkable, and this study will not be clever about it. Men were being executed on the Continent within living memory for a great deal less than article 37 protected.

But in the framework's terms, liberty of conscience is formation policy abandoned as a matter of principle, and the structural consequence has to be stated whatever one thinks of the principle.

A state that declines to impose a single formation has not created an empty field. It has created a contested one — and a contested field is won by whoever is best organised, not by whoever is most right.

Per *The Exploit*, the seat of trusted belief cannot be emptied. It can only be occupied, crowded, or captured. Vacate it and it refills.

What filled it

Three formations ran simultaneously in England through the 1650s, and the state controlled none of them.

The old one held most parishes most of the time, because the personnel very largely stayed. Ejections were real and substantial — estimates of the proportion of parish clergy removed across the 1640s and 1650s vary widely and should be treated as contested — but the majority conformed, kept their livings, and went on. The agricultural year did not change. Births, marriages and deaths went on happening and went on being marked. And the Prayer Book, illegal since 1645, went on being used quietly in private houses and, in some parishes, from memory.

And Christmas was kept. On 25 December 1647 there were riots at Canterbury, Bury St Edmunds, Norwich and Ipswich; in London apprentices set up holly and ivy on the Cornhill conduit in despite of authority and had to be dispersed by the lord mayor with soldiers. At Canterbury a crowd took control of the city and its magazine, and hung holly, and shouted for God, King Charles and Kent.

Notice what a Christmas riot actually is. It is not a political rising and it had no programme. It is a population defending a formation instrument against a state that

has legislated it away — and defending it at the level of the calendar, which is the layer where formation is installed earliest and sits deepest. The men who fought soldiers in Canterbury on Christmas Day were not defending a doctrine of the incarnation. They were defending the shape of their year.

The sects grew in the space that article 37 had cleared. Baptists, Seekers, Ranters, Muggletonians, Fifth Monarchists — and from 1652 the Quakers, who spread with a speed that alarmed everyone including the men who had licensed the ground they grew on.

The Quakers matter here more than their numbers warrant, because of the *kind* of formation they represented. Their claim was to the inner light: direct, unmediated, requiring no ordained minister, no university, no fixed text, no state, and no certification of any kind. That is not another competitor in the field. **It is a denial that the field requires an occupant at all** — which is the one position a regime that has abolished the certification chain cannot answer, because answering it would require reinstating exactly what has been abolished.

And the army, which the Landscape established as a second society with its own preaching, its own councils, its own theology and its own political practice.

The limit: a formation installed in adults

And here is the module's central finding, and it is the direct application of the framework's timing lever.

The New Model's formation was real and it was extraordinarily effective. It produced men who could hold together through a decade of political crisis, who debated the franchise from first principles in a church at Putney, who sought the Lord corporately before making political decisions and treated the answer as binding, and who preferred the judgment of their own council to that of any parliament in England.

And it propagated to nobody.

It formed **adults**. It formed them under conditions that make adult formation unusually potent — a total institution, continuous proximity, maximum physical stress, shared danger, a common text and a practice of expounding it — but adult formation has one property that no amount of intensity overcomes.

It does not transmit. There is no second generation of the New Model Army. The soldiers' children were formed in parishes, by parish clergy, in whatever the parish was doing — not in the regiment.

Set that beside the case this study is paired with, where the mechanism is visible in its full working. Henry's formation changes reached **children**: the child baptised in 1540 in a church whose calendar had holes cut in it, whose walls had been whitewashed

over the paintings his grandparents paid for, whose family had scraped Becket out of its own book of hours with a knife, and in whose nave stood a chained folio the men of the parish argued about. That child was an adult in the 1560s. His grandsons sat in the Long Parliament.

Cromwell's formation apparatus was an army, and armies are made of adults, so it produced nothing that outlived the men who held it. In 1660 the army was disbanded, with its arrears paid, by a Convention Parliament that regarded that as its most urgent piece of business. Its formation went home with it and dispersed.

So, as a general finding: **the timing lever is a constraint and not a preference. A formation installed in adults produces a faction; a formation installed in children produces a generation. A regime whose formation apparatus reaches only adults has acquired a powerful instrument with no successor, and its formation will decay at the actuarial rate of the men who hold it.** Look at the age of entry, and you can predict the half-life.

The reformation of manners, and the jury that would not convict

The last piece is what happened when the regime tried to enforce godliness through the floor rather than through formation.

Theatres had been closed since 1642. Alehouses were regulated and suppressed; horse-racing and cockfighting were prohibited, in part for fear of the assemblies rather than the sport; Sunday travel and Sunday trading were restricted; swearing was fined. From 1655 the major-generals were charged, among their security duties, with the reformation of manners in their districts.

And in 1650 parliament passed an Act making **adultery a capital felony**.

It was almost never enforced. **Juries would not convict**, and the number of executions under it across the decade was tiny.

That is the finding from the Henry study arriving in a different century and pointing the same way. The Duke of Norfolk wrote from Carlisle in February 1537 that had he proceeded by jury not one man in five would have suffered, because a small excuse is well believed where much affection and pity of neighbours doth reign — and so the king's banner had to be displayed and the ordinary law suspended.

England's coercive apparatus had changed by 1650: there was now a standing army, which there had not been. But the **criminal law still ran through the community.** Presentments came from neighbours; verdicts came from juries drawn from the same parishes as the accused; and constables were still villagers taking their turn.

A formation that has to be enforced by a jury of the people it is being imposed on will not be enforced. The regime could hang a man for treason, because a treason

trial could be managed. It could not hang a man for adultery, because twelve of his neighbours had to agree, and they did not.

Reading formation against the framework

Five contributions.

A fourth condition — formation relinquished on principle — and it belongs on the card beside kept, lost and withheld. A state that dismantles the inherited apparatus and then declines to impose a replacement out of conscience has not freed the field; it has thrown it open. The seat of trusted belief cannot be emptied, only refilled, and it refills with whatever is best organised. **Diagnostic: where a regime legislates liberty of conscience while simultaneously dismantling an established formation, expect rapid proliferation of formations it neither built nor can answer — and expect the answer, when it comes, to come from the floor, because nothing else is left.**

The calendar finding, which is new to the collection. A cyclical calendar is a self-running formation machine: perpetual, automatic, costless, requiring no authority to act. An announced observance is an administrative act requiring a decision, a proclamation, a reason and an enforcement, every single time, carrying no memory and lapsing the moment the issuing authority does. **Replacing the first with the second converts a formation asset into a recurring cost — and it is the clearest single indicator of whether a regime understands what formation is.** The Commonwealth did not, and said so in the Directory, in writing: holy days having no warrant in the Word of God are not to be continued.

The memorised layer, and why its removal is invisible. A fixed liturgy forms by installing identical words in every mouth from infancy. A directory prescribes actions and leaves the words to the officiant. The change is doctrinally liberating and formationally destructive, and the men making it will not see the second effect, because they are reasoning about doctrine and the layer they are removing is not doctrinal. **Where a reformer replaces fixed words with discretionary ones, note it as a formation act whatever he thinks he is doing.**

The timing constraint: adults make a faction, children make a generation. The New Model produced the most intensely formed body of men in seventeenth-century Europe and left no successors, because its intake was adult. Henry's changes reached children and detonated a century later. **The age of entry predicts the half-life, and no amount of intensity substitutes for it.**

And the enforcement finding, confirming the Henry study across a hundred and twenty years. Where the criminal law runs through the community —

presentment by neighbours, verdict by jurors from the same parish — a moral programme the community rejects cannot be enforced, because the enforcers are the community. A standing army can hold a country and cannot convict a man of adultery.

Three disciplines to close.

The first is against sneering at the Puritan reformation of manners, which is the standard move and is lazy. Drunkenness, brutal sports and the collapse of parish discipline were real problems that serious people were seriously trying to solve; the men closing the alehouses were not killjoys inventing a grievance. And the toleration was, measured against contemporary Europe, an extraordinary thing — a Protector pressing for the return of the Jews after three and a half centuries, in a decade when confessional wars were still killing people by the hundred thousand across the Rhine.

The second is against the mirror error. That the principle was sincere and admirable does not make the structural consequence less real. A vacated field fills, and it filled.

And the third is the gravity, which in this module has one name. James Nayler, a Quaker, rode into Bristol in 1656 in a manner imitating Christ's entry into Jerusalem. He was taken to London and tried **by parliament itself** — not by a court — which debated at length whether to put him to death, and decided by a narrow margin not to. He was pilloried, whipped through the streets, bored through the tongue with a hot iron, branded on the forehead with a B for blasphemer, and imprisoned.

That was done under a constitution which guaranteed that none professing faith in God by Jesus Christ should be restrained for his judgement in matters of religion; by a legislature acting as a criminal court; in the seventh year of a republic founded on the proposition that the people are under God the original of all just power.

The liberty was real. The limits of it were established with a hot iron, by vote, and the man who had licensed the liberty could not prevent it — because he had abolished the machinery by which such a question might have been decided any other way.

A note on sources. Quoted exactly from public-domain primary texts: the Directory for Public Worship of January 1645, at *festival days, vulgarly called Holy Days, having no warrant in the Word of God, are not to be continued*; and the Instrument of Government of December 1653, article 37, on liberty for such as profess faith in God by Jesus Christ though differing in judgement from the doctrine publicly held, with its exceptions for popery, prelacy and licentiousness, which is here reported in substance rather than quoted at length and should be quoted from the enrolled text before compilation.

Paraphrased and credited to modern scholarship: the abolition of episcopacy in 1646 and the dismantling of the church courts; the replacement of the Book of

Common Prayer by the Directory and the prohibition of its use; the ordinance of 10 June 1647 confirming the abolition of the feasts of Christmas, Easter and Whitsun, and the 1644 ordinance under which Christmas Day was to be kept as parliament's monthly fast; the Christmas disturbances of December 1647 at Canterbury, Bury St Edmunds, Norwich, Ipswich and London, including the Cornhill holly and the seizure of Canterbury and its magazine; the establishment of the Triers in March 1654 and the Ejectors in August 1654 and their mixed Presbyterian, Independent and Baptist composition; the Whitehall Conference of 1655 and the practical readmission of the Jews without formal statute; the growth of the sects and of the Quakers from 1652; the Adultery Act of 1650 and the reluctance of juries to convict under it; the closure of the theatres in 1642 and the wider legislation on alehouses, sports and Sabbath observance; and the trial and punishment of James Nayler by the second Protectorate Parliament in December 1656.

The framework's account of formation — the levers, the timing constraint, the impossibility of an empty seat of trusted belief — is the collection's own and rests on the literature set out in *The Exploit*. The Henrician material, including the chained Bible, the erasure of Becket, and the Duke of Norfolk's letter from Carlisle of February 1537, is as sourced in the companion study of Henry VIII's formation and cost column.

Contested figures and points are flagged. The proportion of parish clergy ejected across the 1640s and 1650s is genuinely disputed, with estimates varying widely by region and by what counts as ejection; no figure is asserted here. The number of prosecutions and executions under the Adultery Act is small on all accounts but the exact totals differ between authorities. How far the Christmas prohibitions were actually enforced varied enormously by locality and by year, and the picture of universal suppression is a simplification the sources do not support. Whether the Nayler sentence should be read as a failure of the toleration principle or as its limits being tested is disputed; this module takes the narrower point that parliament acted as a court and that the Protector could not prevent it. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 5

Without Taking Ought from Any Man

The cost column — the thinnest benefit column in the collection, a state that could take everything and settle nothing, and a community whose enforcement machinery changed sides without changing hands

Whose ledger this is

This module is not about the men with standing. It is about the perhaps five million people of England and Wales, the roughly one million of Scotland, and the shattered population of Ireland, who held no office, sat in no assembly, commanded no regiment, and owned little or nothing — and it asks the only question that matters about them.

Why did they comply?

They were not one body and the ledger has to be run more than once. A yeoman with sixty acres of freehold and a vote at the county election occupied a different position from a copyholder, and both from a labourer hired by the day, and all three from a servant in husbandry living in another man's house on a yearly hiring, and all four from a seaman, an apprentice, an alehouse-keeper, or a widow with a cottage.

And the territories differ so sharply that treating them together would falsify the result. Wales was integrated and taxed as England was. Scotland was conquered, garrisoned and then incorporated. Ireland was conquered, depopulated and redistributed. Barbados, Virginia and New England were governed at a distance, and Jamaica was taken in 1655. What follows runs the English ledger in full and then says plainly where the others depart from it.

The benefit column, and it is the thinnest in this collection

The study of Henry VIII's cost column began by insisting that the benefit column was full, and it was: no battle on English soil since 1487, a jury of neighbours who would not convict four in five, a parish that relieved its own, and tenures and wages that were the envy of Europe. That is why the losses of the 1530s registered as losses.

Run the same exercise here and the page is much emptier.

Order, and it was real. After Worcester in September 1651 no army marched in England. The roads were passable, the markets met, the assizes went on circuit, and for the first time in nine years a man could get a harvest in without worrying about who

would take it. To a person whose entire capital is a standing crop, a barn and four beasts, that is not a political abstraction; it is the difference between subsistence and ruin.

But the credit did not attach, and the reason is a general one worth stating. Under Henry the peace was forty years old and universally attributed to the crown that had ended the wars of the roses. Under the Protectorate the peace was two years old and had been secured by the same men who had spent the preceding nine years fighting across the country. **An order that ends a disorder it caused collects a fraction of the benefit of one that ends a disorder it inherited.** The entry is real; the gratitude is not transferable; and every ordinary Englishman knew whose army had burned which town.

The law, which survived — largely despite the regime rather than because of it. Assizes, quarter sessions, presentment, jury trial and the common law continued through the whole period. That is a substantial benefit and it belongs on the page. It is also the case that the movement to reform the law — to make it cheaper, quicker and comprehensible to a man without a lawyer, which was among the loudest popular demands of the 1640s — produced the Hale Commission of 1652 and then almost nothing, because the lawyers in parliament had no interest in it. **The one reform the ordinary man asked for by name he did not get.**

Toleration, for a minority. A Baptist, a Congregationalist, a Quaker or a Seeker in 1655 enjoyed a freedom to worship that no English government had ever granted and none would grant again for thirty years. That is a large and genuine benefit and it went to real ordinary people — artisans, small tradesmen, soldiers, husbandmen.

And for the majority it was a loss, because what the majority wanted was the Prayer Book read over a father's grave and Christmas kept in December, and those were precisely the two things the toleration did not cover. Popery and prelacy were excluded by name.

Toleration is a benefit distributed by conviction, and in this case the conviction of the majority was the one excluded from it. A liberty that reaches everyone except the people who want the old thing is, from the position of most people, not a liberty at all.

Trade and the sea. The Navigation Act of 1651, the Dutch war, a rapidly expanding merchant marine and a navy that was becoming the best in Europe delivered real benefits to seamen, shipwrights, dockworkers and outport merchants. This is the one entry that grew across the decade, and it went to a particular and geographically concentrated set of people.

And what was removed from it

The year was stripped. Module 4 established the mechanism; here is the material consequence for a man who worked with his hands. Christmas, Easter, Whitsun and the saints' days were abolished by ordinance, with shops ordered to open and soldiers sent to pull down decorations. The parish ales went, the wakes went, the maypoles went, the plays had gone in 1642, and Sunday recreations were restricted.

Under Henry, forty-odd holy days had been converted into working days by injunction and the study called it the single most concrete change the Reformation made to an ordinary week. **The Protectorate finished the job.** What was left of the poor man's year that was not work was the alehouse and the Sabbath, and the Sabbath was being tightened.

The alehouse was regulated, licensed and reduced in number — the one institution in an English village that belonged to no authority whatever, and which the regime correctly identified as the place where disaffection was spoken.

And a great many people got a new landlord. The crown, church and royalist estates sold under the Acts examined in Module 2 went to purchasers who had paid full price on an expectation of about ten years' income and who had every incentive to make the estate yield. The mechanism is the one the Henry study found in Norfolk's letter from Carlisle — a customary landlord replaced by a commercial one, with the pressure applied not to the rent, which custom fixed, but to the entry fine and the terms.

The cost column, and the state's own account of it

Now the other side, and the module's central document is a tax statute in which the government explains, in its own words, what it will do if the tax is not paid.

Free quarter is the entry that touched everybody. A soldier billeted on a household took food, fodder, drink and lodging, and gave a ticket — a promise of later repayment which was honoured erratically and often not at all. The householder became an involuntary creditor of the state, and the state's credit was poor.

In April 1649, passing an Act for raising ninety thousand pounds a month for the forces, parliament recited the history of the arrangement:

> *having provided for the pay and maintenance of those that were so established, by an Assessment of Threescore thousand pounds per mensem; whereby not only Free-quarter was wholly taken off, but also the Soldiery were reduced to an orderly way of maintaining themselves with their pay, without taking ought from any man, but what they bought and paid for, at such rates as they could agree with the*

people, and were Billetted, for the most part, in Market-Towns, and at Inns, Alehouses, and Victualling-houses therein …

Read that as the bargain it is. The assessment is the price of the army buying rather than taking. Pay sixty thousand pounds a month and the soldiery will maintain themselves in an orderly way, buying at rates agreed with the people, and lodging in inns rather than in your house. Stop paying, and free quarter comes back.

It is not phrased as a threat and it does not need to be. Every man reading it in 1649 had had soldiers in his kitchen within recent memory and knew exactly what the alternative was. **A tax whose stated justification is that it will stop the army helping itself is a cost column with the price written on the front.**

The assessment itself ran at sixty thousand pounds a month, rose to ninety, and at points in the 1650s reached a hundred and twenty. Set that beside the levy over which the war had substantially been fought: ship money, at its most productive, brought in something in the region of two hundred thousand pounds **a year**. Module 6 will do the arithmetic properly. What belongs here is that the ordinary ratepayer could do it himself, and did.

The excise is the entry that mattered most to the man with nothing, and it is the one usually skipped. Introduced in 1643 to fund the war and never removed, it fell on beer, ale, cider, meat, salt, cloth and pewter — on **consumption**, not on land. A labourer who owned nothing paid no assessment and paid excise every time he bought a pot of beer or a pound of salt.

It was hated from the first day, it generated riots and a large hostile pamphlet literature, and it produced a new and thoroughly detested figure in English life: the **excise-man**, encountered in the high street and at the market, and treated by the people he taxed as an intruder. The recent scholarship on everyday disaffection in the Interregnum finds the alehouse and the market stall to be where national politics were actually felt, and the excise collector to be the point of contact.

The soldier as enforcer. Module 1 established that the Protectorate created England's first standing army and thereby separated the coercive apparatus from the community. The consequence at ground level is that a man who fell foul of authority in 1656 was likely to be dealt with by a paid professional from another county, quartered in his town, answerable to a major-general in Whitehall — where his grandfather would have been dealt with by a neighbour taking his unpaid turn as constable.

The oath. The Engagement of 1650 required subscribers to declare themselves true and faithful to the Commonwealth as established, without a king or a house of lords. It reached officeholders, and its extension was pressed further. This is the retail

instrument the Henry study identified: it individualises, it abolishes the option of silence, it costs the state a clerk's afternoon, and it transfers the entire burden of decision to the subject.

And martial government. The banner and martial law in the field, and from 1655 the major-generals in the shires, with the disarming of royalists, the regulation of alehouses and travel, and the decimation tax on former royalists levied without statute.

The territories, where the ledger is different

Wales was assessed and excised as England was, with the additional friction of a preaching commission and a language the government did not speak.

Scotland was conquered in 1650–51 and then incorporated: garrisons and new citadels, an assessment (the cess) at rates the country had never carried, the abolition of heritable jurisdictions, and — a genuine benefit, and the one Scots most often named afterwards — free trade with England and a justice notably less corrupt than what it replaced. The occupation was resented and it was also, by the standards of Scottish government, efficient. Both were true and Scots said both.

Ireland is of a different order entirely and the module must say so plainly. For the ordinary Irish person the ledger has almost nothing on the benefit side and everything on the other: conquest, famine and plague across 1649–53, the death penalty for Catholic clergy, the transplantation of landholders west of the Shannon, the transportation of very large numbers to Barbados, and the licensed departure of tens of thousands of soldiers into the armies of Spain and France. Module 11 will attempt the arithmetic. What belongs here is the structural point that in Ireland the state did not need to price compliance at all, because it was not seeking compliance. It was seeking removal.

What the state could compel, and what it could not

And here is the module's central finding, and it follows directly from the apparatus described in Module 1.

The Protectorate had, for the first time in English history, **a coercive apparatus of its own.** It could therefore compel **actions**. It could collect the excise, because a soldier could stand behind the collector. It could quarter troops on a town. It could disarm a household, seize a horse, break up a clandestine Prayer Book service, pull down a maypole, and search an alehouse for an unexcised barrel.

It did **not** have an adjudicative apparatus of its own. The criminal law of England still ran through the community: offences were presented by neighbours, and guilt was determined by twelve men drawn from the same parishes as the accused.

So it could not compel **verdicts.** Module 4 established the specimen: adultery was made a capital felony in 1650 and juries would not convict, and the Act was a dead letter for a decade.

The result is a regime experienced as omnipotent in taking and impotent in governing. It could strip a barn and could not hang an adulterer. It could put a troop of horse into a market town and could not stop the town keeping Christmas, except by sending the troop again next year.

State it generally, because it is a distinct condition and the framework does not currently name it:

> ***Where a state acquires its own coercive apparatus but leaves adjudication in the hands of the community, it gains the power to extract without gaining the power to punish — and the mismatch produces a specific texture of grievance in which the government appears able to take everything and settle nothing.***

That is a worse position than either extreme. A state with neither instrument must bargain. A state with both can govern. A state with the first and not the second can only take, and taking is the one activity that generates no gratitude at all.

Social pressure, and the machinery that changed sides

The framework's account of the cost column includes social pressure, and this case shows something about it the collection has not previously had to state.

Under the old order, the cohesion of an English parish enforced conformity. Churchwardens presented offenders at visitation; neighbours reported; juries convicted; the constable, who was one of them, arrested. The Henry study found that in such an order the cost column and the formation column are the same column, because the people applying the price *are* the formed community.

Under the Protectorate the identical machinery, staffed by the identical people, enforced **resistance**.

Nobody informed on the Prayer Book funeral held in the next parish. The jury acquitted. The churchwardens presented nothing. The alehouse-keeper's neighbours did not mention the barrel that had paid no excise. And on 25 December 1647 the towns of Canterbury, Bury St Edmunds, Norwich and Ipswich rioted to keep a festival

that had been abolished by ordinance, and were dispersed by soldiers, because there was nobody else to disperse them with.

Community enforcement is directionally neutral. It is not an instrument of government; it is an instrument of the community, and it applies whatever the community holds. A regime that has the parish gets a national enforcement apparatus for nothing. **A regime that has lost the parish does not merely lose its constables — it hands its opponents an apparatus of exactly the same reach, staffed by exactly the same men, operating at exactly the same zero cost, and pointed the other way.**

That is the Duke of Norfolk's Carlisle finding of 1537 generalised, and it explains why the Protectorate's standing army felt simultaneously enormous and insufficient. It was enormous against individuals and insufficient against a parish, because a parish does not present itself.

Exit

Could the ordinary man walk away?

Not in England, and for the reason the Henry study identified: exit is closed by uniformity, not by walls. He could walk to the next county on any morning and nobody would stop him at the boundary — and the next county had the same assessment, the same excise, the same abolished Christmas, the same soldiers and the same law. The vagrancy statutes remained in force, and a man off his own ground without a master was still returnable.

But two exits existed that had not existed a century earlier, and both were real.

The colonies. Emigration to New England, Virginia, Maryland and the West Indies ran at a substantial rate across the century, and it was a genuine escape from the arrangement — a different church, different land tenure, and in New England a different formation altogether. It required a passage, and for the poor that meant **indenture**, which is a term of unfreedom purchased with a voyage. It was an exit for the young, the healthy and the unattached, and not for a man with a wife and four children and fifteen acres.

And the army itself. For a young man with nothing, enlistment offered pay (in arrears), food, status, a trade, and — as Module 4 established — a formation more powerful than anything available in a parish. It is a genuine exit, and it is the one the state most wanted taken, because it converted a potential burden into an instrument.

And in Ireland, exit was compulsory and outward. Transportation to Barbados, transplantation to Connacht, and the licensed shipping of soldiers to Spain and France were not doors the subject could choose. They were the state's instrument for removing a population it did not intend to govern.

That distinction belongs in the framework by name: **compelled exit is not exit. It is deportation, and it goes in the cost column beside the gallows, not in the exit dial. Where a study finds a population being moved out of a territory by administrative order, it should read that as an extreme of the cost column rather than as an escape available to the subject.**

Reading the cost column against the framework

Five contributions.

The benefit column here is the thinnest in the collection, and the thinness explains the compliance. Order without credit; a law that survived despite the regime and refused the one reform ordinary people had asked for; a toleration real for a minority and worthless to a majority whose own conviction was the excluded one; a year stripped of nearly everything in it that was not work. What was left to hold the order up was force, and the force was new, professional, paid, quartered on the country, and visibly foreign to the parish it stood in.

An order that ends a disorder it caused collects little credit for the peace. This is new and it generalises. Gratitude for security attaches to a regime that inherited the insecurity and cured it; it does not attach to one whose own war produced the disorder in the first place, however genuine the subsequent quiet. **Look at who is credited with the peace, not at whether there is peace.**

The extract-but-not-punish split, which follows from the separation established in Module 1. A state that builds a coercive apparatus while leaving adjudication with the community acquires the power to take and not the power to convict. It will be experienced as more oppressive and less legitimate than a state with both, because everything it can do is extractive and nothing it can do is governmental.

Community enforcement is directionally neutral, and losing it is worse than never having had it. The same churchwardens, jurors and neighbours who enforce an order at no cost will resist it at no cost, using the identical mechanisms. **A regime that alienates the parish does not lose an arm; it arms the other side.**

And compelled exit belongs in the cost column. Transportation and transplantation are not the exit dial being open. They are the cost column at its maximum, and reading them as movement rather than as punishment inverts the analysis.

Three disciplines to close.

The first is against painting the whole population as sullen. Very large numbers complied without much feeling either way, as populations do; the godly minority received something they valued enormously and had never had; the country after 1651

was quieter than at any time since the 1630s; and the regime contained men of real ability who governed a great deal better than the alternative on offer in 1649 would have. A study that reads the Restoration backwards into every year of the decade is writing propaganda.

The second is against treating the Protectorate as uniquely extractive without a comparison. Charles I's personal rule had its forced loans, its ship money and its distraint of knighthood, and the war had been fought in substantial part about them. The difference in the 1650s is one of magnitude and of visibility, not of kind — and it was a difference the ratepayer could calculate.

And the third is the gravity, which in this module is domestic and small and multiplied. Free quarter meant a soldier in a kitchen through a winter, eating a household's stores against a ticket that might or might not be honoured, in a house where the children were going short. The excise meant a collector at a market stall taking a proportion of a poor woman's takings on salt. The abolished calendar meant a man working on Christmas Day because a shop that closed could be fined. None of these is a massacre and none of them belongs in Module 11's arithmetic. All of them happened, to several million people, every year, for eleven years — and when the accounting is done, they are most of what the ordinary Englishman actually experienced of the English republic.

A note on sources. Quoted exactly from a public-domain primary text: the Act of April 1649 for raising ninety thousand pounds per mensem for the maintenance of the forces, at the recital beginning *having provided for the pay and maintenance of those that were so established, by an Assessment of Threescore thousand pounds per mensem* and running through *were Billetted, for the most part, in Market-Towns, and at Inns, Alehouses, and Victualling-houses therein*, from *Acts and Ordinances of the Interregnum* as reproduced on British History Online. The Directory for Public Worship of 1645 and the ordinance of 10 June 1647 are as sourced in Module 4; the Duke of Norfolk's letter from Carlisle of February 1537 is as sourced in the companion study of Henry VIII.

Paraphrased and credited to modern scholarship: the operation of free quarter and the ticket system; the monthly assessment and its rates across the 1650s; the excise of 1643, the commodities it covered, the hostility it generated and the figure of the excise-man, following the recent work on disaffection and everyday life in Interregnum England, from which the observation that the alehouse, the market and the high street were where national politics were felt is taken; the Hale Commission of 1652 and the failure of law reform; the Engagement of 1650; the major-generals and the decimation tax; the Navigation Act of 1651 and the growth of shipping; the Cromwellian

settlement of Scotland, including the cess, the citadels, the abolition of heritable jurisdictions and the grant of free trade; and the pattern of seventeenth-century English emigration to New England, the Chesapeake and the West Indies, including the role of indenture.

Contested figures are given as ranges or flagged. The population of England and Wales in the 1650s is conventionally put at something around five million and is an estimate from the parish-register reconstructions; Scotland's is more loosely estimated at about a million. The yield of ship money at its peak is commonly given at something in the region of £200,000 a year and should be checked against the fiscal literature before it is relied on; the assessment rates are given as they appear in the Acts themselves, which is firmer, but what was actually collected differed from what was voted and Module 6 will address that. The number of Irish transported to the West Indies and of soldiers licensed to foreign service is very heavily disputed, with wildly divergent figures in circulation, and no number is asserted here; the question belongs to Module 11 and will be given there as a range with its historiography named. Emigration totals for the period are reconstructions. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 6

A Full and Ample Recompence

Extraction — a republic born of a tax revolt that taxed England at three times the rate which had caused it, a floor paid out of a stock that ran out, and a fiscal machine so useful that the restored monarchy kept every part of it

Two takings, and only one of them survived

The study of Henry VIII's extraction found flow and stock running side by side from the same institution in the same decade, behaving differently and for structural rather than deliberate reasons: a perpetual tenth levied on the secular clergy, who were left entirely intact because a suppressed benefice pays no tenth; and the monastic endowment taken as a stock and eliminated, plant and all, the lead stripped off the roofs so that no community could return.

The same pair runs here, and the outcome inverts, which is this module's finding.

The stock was taken and returned within eighteen months. Module 2 established it: crown lands, church lands and confiscated royalist estates restored, the purchasers ruined, the whole redistribution unwound by a successor who declared the vendor's authority never to have existed.

The flows were built and kept — by the restored monarchy, and by every government after it, for two centuries. The excise the Commonwealth created was never repealed. The assessment it perfected became the land tax. The Navigation Act it passed was re-enacted within months of the king's return. The naval administration it built became the Royal Navy.

The republic failed completely and its revenue system won.

The scale, and the arithmetic every ratepayer could do

Every figure in this section is contested, several rest on reconstructions rather than accounts, and they are given as orders of magnitude.

Charles I at the height of the personal rule was running an ordinary revenue somewhere in the region of six hundred thousand to a million pounds a year, and could not fight a war on it — which is why the Scots defeated him in 1640 and why he had to call a parliament. **Ship money**, the levy over which the constitutional crisis substantially turned, produced at its best something in the region of two hundred

thousand pounds a year. It was litigated in Hampden's case, resisted across the country, and is on any account among the proximate causes of a civil war.

The Commonwealth and the Protectorate ran at something approaching two million pounds a year, and were in deficit throughout.

A republic that came out of a war fought substantially about taxation taxed England at two or three times the rate which had helped cause the war. That is not a rhetorical point; it is an arithmetic one, it was perfectly visible at the time, and every ratepayer in England could do the sum on his own assessment paper.

The instruments

The monthly assessment

The central instrument, and a genuine administrative innovation.

Its design is a **quota**. Parliament fixed the total sum required per month — sixty thousand pounds under the Act of 1648, ninety thousand under the Act of April 1649, and at points in the 1650s a hundred and twenty thousand — and then apportioned it among the counties, which apportioned it among their hundreds and parishes, where local commissioners assessed individuals and collected.

Compare that with ship money and the difference is not the amount but the **enforceability**, and it has two components.

Legality. Ship money was a prerogative levy of contested legality, and John Hampden took it to the Court of Exchequer and very nearly won. The assessment was voted by a body claiming to be the parliament of England and asserting that whatsoever it enacted had the force of law. Whatever anyone thought of that claim, there was no court in England prepared to entertain a challenge to it, because the courts were sitting under the same authority.

And enforcement. Behind the local commissioner stood, for the first time in English history, a standing army. Module 1 established that the Protectorate had built a coercive apparatus of its own, and Module 5 established what that meant at ground level: the state could compel actions even where it could not compel verdicts. Collecting a tax is an action.

A tax is not defeated by its size. It is defeated by a court that will hear a challenge to it and a community that will not collect it. The Commonwealth removed both obstacles, and the result was a levy several times heavier than ship money that produced grumbling, evasion and pamphlets, and no Hampden.

The instrument outlived everything. Quota assessment on the counties is the direct ancestor of the English land tax, which ran into the nineteenth century.

The excise

Introduced in 1643 as a war measure and never removed, the excise fell on beer, ale, cider, meat, salt, cloth and pewter — on **consumption** rather than on property.

Two things about it belong in the framework.

It is the first modern English tax bureaucracy. It required a salaried professional commission, sub-commissioners in every county, officers who measured and gauged, records, and appeals — an apparatus of the state reaching into breweries, markets and shops continuously rather than annually. Nothing like it had existed.

And it fell on people with no property at all. Module 5 made the point from the subject's side: a labourer paid no assessment, because he had nothing to assess, and paid excise every time he bought a pot of beer or a pound of salt. The assessment was a tax on the political nation. The excise was a tax on everybody, and it was collected from the people with the least capacity to resist it and no representative to resist on their behalf.

Customs, and the Navigation Act

Customs continued and were reorganised. And in 1651 the Rump passed the Navigation Act, reserving the carriage of colonial goods to English shipping and aimed squarely at the Dutch carrying trade. It helped produce the First Dutch War, and it was re-enacted and extended by the Convention Parliament in 1660.

And the rest

The **land sales** of Module 2 — stock extraction, examined there. **Sequestration and composition** — rate extraction on royalists, which left them in possession and paying. And the **decimation tax** of 1655, ten per cent on the estates of former royalists, levied without statute to fund the major-generals' militia.

That last one is worth marking, because of what happened to it. In January 1657 the Commons refused the militia bill that would have continued it, and the decimation tax and the major-generals went together.

It is the only extraction of the period that the political nation actually defeated, and the reasons are exact: it was levied without statute, and it fell on the class of men who sat in parliament. **Where a study finds one levy stopped among many, look at whether it was procedurally irregular and whether it fell on the people voting.** Both, here.

Where it went

Almost all of it went on the army and the navy.

The wars did not stop. Ireland from 1649 to 1653. Scotland from 1650. The First Dutch War from 1652 to 1654. The Spanish war from 1654, including the Western Design, the taking of Jamaica in 1655, and the campaign in Flanders that gained Dunkirk in 1658.

The navy is the achievement of the period and should be credited without qualification. It grew enormously in ships, men and organisation; under Blake it defeated the Dutch, which no English fleet had previously managed; it operated in the Mediterranean and the Caribbean; and the administrative machinery built to supply it was inherited intact and became the foundation of the Royal Navy that dominated the following two centuries.

And here Module 1's finding arrives in the accounts, which is where structural claims are supposed to arrive.

A regime whose title is results-sensitive must keep producing results. Providence speaks in victories. Peace produces no verdicts. A government legitimated by God's vindication in the field has a standing reason to be in the field, and the Protectorate was at war continuously from its foundation to its end.

That is not a claim that Cromwell fought wars in order to be legitimate. It is a claim about what such a regime finds it easy to justify and hard to avoid — and about where the money therefore goes.

The stock runs out

The Protectorate died insolvent. The figures for the debt at 1659 vary between accounts and are large; what is not disputed is that Richard Cromwell's parliament could not solve it, that the army's arrears were once again unpaid, and that the arrears were the immediate trigger of the collapse examined in Module 10.

Follow the loop, because it is the module's structural warning.

The army's arrears created the pressure that produced the confiscations (Module 2). The confiscations produced land, which was sold. The proceeds were spent on the army and the wars. The land was gone. The army was still there, still growing, still owed — and by 1659 the arrears were exactly what they had been in 1647, except that the asset which had been used to meet them the first time no longer existed.

A floor paid out of a stock has been paid once. A floor is a recurrent obligation. Paying a recurrent obligation out of a non-recurrent asset buys time and calls it solvency, and when the asset is exhausted the obligation is unchanged and the means of meeting it are gone.

The Henry study found the same mechanism in a different key: the crown took the monastic stock, spent two-thirds of it in six years on Boulogne, and ended poorer than

it began, because the Court of Augmentations was a disposal office and no institution existed whose function was to prevent spending. The Commonwealth's version is worse, because Henry was buying a war he could have stopped and the Commonwealth was buying an army it could not.

And then 1660, and what was kept

Now the finding.

Module 2 established what was reversed: the stock, entirely, in about eighteen months, on the ground that the vendor had never lawfully existed.

Every one of the flow instruments was kept.

The **excise** was continued and made permanent. The **customs** and the tonnage and poundage settlement continued. The **assessment** machinery survived and became the basis of the land tax. The **Navigation Act** was re-enacted in 1660. The **naval administration** continued with the same clerks. And the Convention Parliament settled on Charles II a revenue of £1,200,000 a year — a figure his father could not have imagined asking for and would not have been granted.

Why the asymmetry?

Because a **flow instrument is a machine and a stock transfer is a set of titles.**

A machine is indifferent to who operates it. An excise commission with sub-commissioners in every county, a set of county quota assessments, a customs establishment, a navy board — these are apparatus, and apparatus can be inherited by anybody, including by the people who overthrew the men who built it. Nothing in an excise office names a beneficiary.

A title names a winner and a loser, by name, on a deed. It cannot be inherited by the loser's party, because inheriting it means confirming the loss.

So the general rule, and it is a good one for reading any restoration or revolution: a successor regime inherits its predecessor's fiscal machinery and repudiates its fiscal transfers. Look, after any such rupture, at which instruments survive. The collection mechanisms will. The redistributions will not. And the survival of the machinery will usually be far more consequential than the reversal of the transfers, because the machinery compounds.

Who paid for the Restoration

And then, in December 1660, the restored parliament did something that closes a loop opened six hundred years earlier and demonstrates the module's argument in a single statute.

The **Tenures Abolition Act**, 12 Charles II c. 24. Its long title:

> *An Act takeing away the Court of Wards and Liveries and Tenures in Capite and Knights Service and Purveyance, and for setling a Revenue upon His Majesty in Lieu thereof.*

Its preamble:

> *WHEREAS it hath beene found by former experience that the Courts of Wards and Liveries and Tenures by Knights service either of the King or others, or by Knights service in Capite or Soccage in Capite of the King and the consequents upon the same have beene much more burthensome grievous and prejudiciall to the Kingdome then they have beene beneficiall to the King ...*

Read that, and then read the Act of 17 March 1649 again.

> *And whereas it is and hath been found by experience, that the Office of a King in this Nation and Ireland, and to have the power thereof in any single person, is unnecessary, burthensom and dangerous to the liberty, safety and publique interest of the people ...*

Found by experience. Burthensome. More prejudicial than beneficial.

The restored monarchy's own parliament abolished the crown's ancient feudal revenues using the identical drafting formula the republic had used to abolish the crown itself. That is not a coincidence and it is not an allusion. It is a legislative register which had become the standard way of taking something away in England during eleven years, and which the men drafting in December 1660 reached for without apparently noticing where they had learned it.

Now the substance, which is larger.

Knight service. Tenure in capite. Wardship. The value and forfeiture of marriage. Livery. Primer seisin. Purveyance. **The entire apparatus by which the crown had drawn revenue from landholders since the Conquest** — the arrangement the Norman study identified as the foundation of English property, under which no man owned land outright but held it of the crown in exchange for service, and which Henry VIII had reorganised into the Court of Wards in 1540 — abolished. All tenures henceforth in free and common socage.

And in compensation:

> *And now to the intent and purpose that His Majesty His Heires and Successors may receive a full and ample Recompence and Satisfaction as well for the proffits*

of the said Court of Wards and the Tenures Wardships Liveries Primer-Seizins Ouster le mains and other the Premises and Perquisits incident thereunto …

A hereditary excise. A hundred thousand pounds a year, settled on the crown in perpetuity, raised by duty on beer, ale, cider and spirits — and, by section fourteen of the same Act, on tea, coffee, chocolate and sherbet, the first excise on any of them in English history.

State plainly what that transaction is.

The landed class of England permanently extinguished its own ancient obligations to the crown, and paid the compensation out of a tax on the drink of the whole population.

It is the clearest instance in this entire collection of a settlement's costs being transferred from the beneficiaries to the general population — and it was done at the moment of restoration, by the restored parliament, in the king's own name, using an instrument the republic had built and a legislative formula the regicides had drafted.

The men who had paid the assessment and hated it kept the excise, because the excise was paid by somebody else.

Reading extraction against the framework

Five contributions.

Flow survives a regime change and stock does not, because machines are inherited and transfers are repudiated. This is the module's central finding and it is directly diagnostic. After any restoration, revolution or conquest, ask which of the predecessor's fiscal instruments the successor kept. The collection apparatus will be kept, because it is neutral as to whose government it funds; the redistributions will be reversed, because each one names a loser whose party is now in power. **And the kept machinery will usually matter more than the reversed transfers, because a machine compounds and a transfer does not.**

The permanent legacy of a short-lived regime is usually its tax collection. The English republic failed absolutely: its constitution, its church settlement, its land settlement, its army and its ruling class were all swept away within two years of Cromwell's death. What survived was the excise, the assessment, the customs establishment, the Navigation Act and the naval administration — which together are the foundation of the fiscal-military state that fought Louis XIV, financed a national debt, and built an empire. **The most durable thing a defeated regime leaves behind is the part its enemies want.**

A results-sensitive title produces continuous war, and continuous war drives the extraction. Module 1 established that providence is a robe manufactured by victories; here is its cost, in the accounts. Peace generates no verdicts. The Protectorate was at war from its first year to its last, and the wars consumed almost everything it took.

Paying a recurrent obligation out of a non-recurrent asset buys time and calls it solvency. The arrears produced the confiscations; the confiscations were consumed; the arrears returned, unchanged, with the asset gone. This is the Henry finding sharpened: he spent a windfall on a war he chose, and could stop; the Commonwealth spent one on an army it could not disband and which was, by 1659, exactly the problem it had been in 1647.

And the one levy that was defeated tells you where the political nation actually was. The decimation tax of 1655 was killed in the Commons in January 1657, and nothing else was. It was procedurally irregular — levied without statute — and it fell on the class of men sitting in the chamber. **Every other extraction of the period, however heavy, was voted, apportioned, and paid.**

Three disciplines to close.

The first is against reading the taxation as simple tyranny. The money built a navy that made England a first-class power for the first time since the middle ages, and the administration that raised and spent it was, by the standards of seventeenth-century Europe, remarkably efficient and remarkably honest — considerably more so than the Stuart fiscal apparatus before it or the one that followed. That is a real achievement and it is why the Restoration kept it.

The second is against the mirror error: efficiency is not consent. A tax raised honestly by competent officials with soldiers behind them, from people who had no say in voting it, is still a tax raised from people who had no say in voting it — and the ratepayers of England had gone to war in 1642 over a levy a fraction of its size.

And the third is the gravity, which in an extraction module is arithmetic rather than incident, and which has to be located precisely. The heaviest single transfer of the period fell on people who owned nothing. The excise on salt and beer was paid weekly, for seventeen years, by men and women with no vote, no representative and no court that would hear them, to fund an army they had not asked for and a war they had not been consulted about — and in 1660 the parliament that restored the king made that excise permanent, in order to relieve the landed class of the obligations it had owed the crown since 1066.

A note on sources. Quoted exactly from public-domain primary texts: the Tenures Abolition Act 1660 (12 Cha. 2 c. 24), at its long title, at the preamble beginning

WHEREAS it hath beene found by former experience and running through *then they have beene beneficiall to the King*, and at the compensation clause beginning *And now to the intent and purpose that His Majesty His Heires and Successors may receive a full and ample Recompence and Satisfaction*, from the text in the *Statutes of the Realm* as reproduced on British History Online and cross-checked against the legislation.gov.uk text; and the Act for the abolishing the Kingly Office of 17 March 1649, as sourced in the Landscape of this study. The Act of April 1649 for raising ninety thousand pounds per mensem is as sourced in Module 5.

Paraphrased and credited to modern scholarship: the structure and operation of the monthly assessment as a county quota levy, and its descent into the land tax; the excise of 1643, its commodities, its professional administration and its permanence, following the standard fiscal histories including the modern work on customs and excise; the Navigation Act of 1651 and its re-enactment in 1660; the growth of the navy under the Commonwealth and Blake's campaigns; the decimation tax of 1655 and the defeat of the militia bill in January 1657; the Convention Parliament's settlement of £1,200,000 a year on Charles II; and the state of the crown's finances at the Restoration, including the inherited debt and the effects of the trade depression of the late 1650s.

Contested figures are given as orders of magnitude and several should be treated with real caution. Charles I's ordinary revenue at the height of the personal rule is variously given and the figure of £600,000–£1,000,000 depends heavily on what is counted; the yield of ship money at its best is commonly given at something around £200,000 a year; the Commonwealth and Protectorate's annual revenue is commonly put at something approaching £2,000,000 but the series are incomplete and voted sums differed substantially from sums collected; and the Protectorate's debt at 1659 is reported at widely varying figures. This module's argument rests on the *ratio* between the pre-war and Interregnum levels rather than on any particular number, and that ratio is not disputed in the literature even where the absolute figures are. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon, and the fiscal figures in particular should be checked against the specialist literature rather than against general accounts.

MODULE 7

The All-Seeing Little Secretary

Information and suppression — a regime that had staged its own founding in public and therefore had nothing to conceal, a monopoly over the post held by the head of intelligence, and the discovery that an interception apparatus catches plots and cannot catch arguments

The seam that could not be a seam

Every case in this collection has a seam, and the shape of it has so far been determined by geography or by literacy.

In the colonial studies the seam is a measurement in miles: what is done in the colony and what is said in the metropole are three thousand miles apart, and the order's standing task is to keep the two ends from meeting in the sight of the audience whose belief funds it.

In the Henrician case there was no distance, so the seam ran vertically through one society along the lines of literacy and office, and the suppressible object changed: the crown could not hide the abbey coming down in the parish where the parishioners lived, so it suppressed the *account*, the *record* and the *past* instead — the returns never tabled, pre-publication licensing, and the erasure of Becket from the calendars and the private books of hours.

The Protectorate had neither option, and the reason is that it had done everything in public on purpose.

Module 1 established the visibility principle at work in the founding. Colonel Pride stood at the door of the House of Commons on 6 December 1648 in daylight with a list. Charles I was tried in Westminster Hall over a week, with the charge read aloud, and beheaded on a scaffold built into the street in front of the largest crowd the capital could assemble — where every previous English deposition had ended in a quiet death behind a wall and an announcement afterwards. The Rump was turned out by soldiers in April 1653 in front of witnesses.

Every one of those acts was staged to be seen, because their purpose was to establish a fact rather than to accomplish a removal.

Which means the regime had no seam to hold. It had a fact to argue with.

State it generally, because it is the module's first contribution and it applies well beyond the seventeenth century:

> ***A regime that maximises the visibility of its founding acts for deterrent effect forfeits the option of concealment afterwards. It must run an interpretation contest instead of a censorship — and the two are different operations, requiring different apparatus, and a state cannot switch from the second to the first, because the events have already been seen by everybody.***

Channel one: the state becomes the press

The Commonwealth's answer to that problem was not to hide the news but to write it.

Marchamont Nedham is the instrument, and his career is worth setting out flatly because it is evidence rather than scandal. He wrote *Mercurius Britanicus* for parliament in the first war; then *Mercurius Pragmaticus* for the king; was arrested; and from June 1650 wrote *Mercurius Politicus* for the Commonwealth, and afterwards *The Publick Intelligencer*, both paid for by the state. At the Restoration he changed again.

He is not a hypocrite to be scored. He is an early and unusually pure specimen of a professional, and what he demonstrates is that **the position produced the argument** — which is the framework's own claim about rulers, applied one level down to the men who write for them.

And what *Politicus* did is the point. It did not conceal anything. It carried the news, and beside the news it carried a weekly editorial **arguing the republican case**: that there is no real difference between a king and a tyrant, that the English had never tasted the sweets of peace and liberty together, and that if they had they would be as zealous for their freedom as the ancient Romans.

That is a newspaper written to supply an interpretation of events its readers had already witnessed, which is exactly what the structural position required.

And in 1655 the government took the last step. Newsbooks were suppressed in general, and the field was left to Nedham's two, both official.

The state did not merely license the press. It became the press — which is a distinct condition and a more complete one, and which the framework should note as the terminal form of the interpretation contest: when you cannot suppress the facts and cannot win the argument on equal terms, you remove the other arguers.

Channel two: licensing, and the man who had written against it

The apparatus of censorship was inherited rather than invented. The Licensing Order of June 1643 required pre-publication approval, and it produced, in 1644, the

most famous defence of unlicensed printing in the English language: John Milton's *Areopagitica*.

The Printing Act of September 1649 tightened the system for the new republic; further measures followed in 1653 and 1655.

And in 1651 Milton, Secretary for Foreign Tongues to the Council of State, became a licenser of newsbooks.

The collection's standing discipline forbids the easy move here, which is to convict him of hypocrisy and move on. The mechanism is more useful than the verdict, and it confirms a finding the study of Henry VIII's liberties already produced.

That study found that liberties are **residue** — that they fall out of fights inside a hierarchy rather than being granted on principle, and that what one generation asks for as a grace a later generation asserts as an inheritance. To it this case adds a companion proposition:

> ***Arguments for open information are made from the position of the excluded, and the same men make the opposite argument from inside.***

Milton in 1644 was a private controversialist whose own writings had fallen foul of a licensing order, arguing to a parliament that had shut him out. Milton in 1651 was a servant of a government he believed to be doing the work of God, personally responsible for part of its survival, in a country full of men printing arguments for its destruction. He did not change his mind about liberty in any way the record shows. **He changed his position, and the position produced the argument.**

Note it as position logic, not as a moral failure, and expect to find it everywhere.

Channel three: the post, and surveillance in place of censorship

Now the module's principal contribution, and the reason for its title.

John Thurloe was Secretary to the Council of State from 1652, the Protectorate's chief administrator, and the head of its intelligence. Contemporaries called him Cromwell's factotum, his right hand, and — the phrase that gives this module its name — **the all-seeing little secretary**.

In 1655 he was made Postmaster General, and held the office until his arrest in May 1660.

And in 1657 an Act of Parliament established the Post Office as a single state monopoly.

Consider what those two facts are when set together, because the combination is a distinct instrument and the framework does not currently name it.

A legal monopoly over the carriage of letters, vested in the state, and administered by the man who runs the state's intelligence service, is **not a postal service**. It is an interception apparatus with a revenue stream attached. Every letter in England passing through the only lawful channel, in the hands of the person whose job is to know what the king's friends are planning.

And the structural insight that follows is the one worth carrying:

A state does not need to censor a letter it has already read.

Censorship *suppresses*, and suppression has three costs: it requires a licenser to read everything in advance, it announces to the writer that he has been stopped, and it produces nothing except the absence of a text. Interception *learns*. It costs a clerk and a candle, the writer does not know it has happened, and the output is knowledge — which can be acted on, filed, cross-referenced, and used to catch the next man.

Name it: the interception monopoly. A regime that creates a legal monopoly over a communications channel and places it under its intelligence chief has substituted surveillance for censorship, and the substitution is cheaper, quieter and enormously more productive.

And it worked. Thurloe's service broke the Sealed Knot, the principal royalist conspiratorial organisation. It uncovered Miles Sindercombe's plot to blow up Whitehall and assassinate Cromwell, and took him in January 1657. It exposed Edward Sexby's involvement. It anticipated the Fifth Monarchist rising in London in April 1657 and made arrests before it could develop. It penetrated the exiled court.

Set this beside the collection's other two conditions and the comparison is instructive.

The **Henrician** state had almost no surveillance apparatus at all. It changed the law of offence — making words treasonable — and then waited, letting ordinary malice in the parishes supply the informers at no cost to the crown. Cheap, effective, and it priced relationships rather than actions.

Saint-Domingue had abolished every channel to the people it ruled, could therefore not read them at all, and was reduced to divination by torture — an instrument that answers *conspiracy* whatever the truth, and which manufactures the enemies it fears.

The Protectorate is the third condition, and it is the modern one. A salaried professional service, with a legal monopoly on the channel, reading rather than compelling. And the decisive property is that **it produced true findings.** The Sealed Knot was real. Sindercombe was real. Sexby was real.

That is what distinguishes an intelligence service from a torture chamber, and it is why an intelligence service is both far more effective and far harder to indict.

A regime that tortures its subjects invents its enemies and can be shown to have done so. A regime that reads its subjects' letters finds the enemies that exist — and everything it does afterwards can be defended by pointing at them.

What could not be taken

Three things, and the third is the finding.

The manuscript newsletter ran outside the print trade entirely, hand-copied and passed between correspondents, and no licensing system reaches it.

The exile press printed in the Low Countries and smuggled material in through ports that Thurloe watched and could not close, since closing them entirely would have stopped the trade the regime was fighting a war to protect.

And the argument. In 1657 there appeared a pamphlet called ***Killing No Murder***, of disputed authorship, arguing that Cromwell was a tyrant and that the killing of a tyrant is not murder. It was printed abroad, smuggled in, and was in high demand; the reported accounts have it that Cromwell was so disturbed by it that he never afterwards spent two nights in the same place and took elaborate precautions over his movements.

Notice precisely what that document is. It is not a concealed truth escaping through a seam. It contains no secret. It is an *argument*, constructed from the same public materials the regime itself used — classical, scriptural and legal — addressed to the same public, about facts everybody already knew.

There was nothing in it the state could deny. It could only disagree.

And here is the year's lesson, in the sharpest form the sources give it. In January 1657 Thurloe's interception apparatus caught Sindercombe before he could act, which is a complete success. In the same year *Killing No Murder* circulated freely and could not be stopped, which is a complete failure. The same apparatus, in the same twelve months.

An interception monopoly catches plots and cannot catch arguments.

The reason is structural and it holds for every such apparatus built since. **A plot has a small number of participants who must communicate with each other to act**, and communication is exactly what an interception system is built to read. **An argument has an unlimited number of readers who need not communicate with anybody at all.** One man writes it; a printer abroad multiplies it; and thereafter every copy travels alone. There is no network to penetrate because there is no network — only a text and a great many separate people reading it.

Which is, once again, the finding of Module 3 arriving from a different direction. The Commonwealth could not win an argument conducted from a library it did not own; and it could not intercept an argument that required no conspiracy.

And the archive

Thurloe's papers survive. Thomas Birch published a collection of them in seven volumes in 1742, and the manuscripts are in the Bodleian and the British Museum. They are, with the possible exception of the *Acts and Ordinances*, the richest single source for the government of the Interregnum, and this study leans on them at second hand throughout.

And they survived privately.

Not by orderly transfer at a succession, which would have meant the Restoration government inheriting them and deciding what to do with them. Not by confiscation from an attainted minister, which is how the Henrician record survives — Thomas Cromwell was attainted in June 1640, beheaded in July, and his working correspondence at Austin Friars seized as a traitor's goods, so that we have his in-tray. Thurloe was arrested for treason in May 1660, was released, and lived quietly in his chambers at Lincoln's Inn until his death in 1668, with his papers.

That is a **third mechanism**, and it means the finding from the Henry study needs widening rather than replacing.

> ***Archive survival is a function of what happened to the archivist — and the mechanisms are various.*** *Attainder and impoundment preserve the incoming correspondence of a fallen minister. Orderly succession permits curation and destruction, which is what Kenya's officials did with crates and deep water. Private retention by a man who is not destroyed preserves whatever he chose to keep.*

None of the three is neutral, and the collection should keep saying so, because its own evidence base is assembled entirely out of them. **We can study this regime week by week because its intelligence chief was let go.**

Reading information and suppression against the framework

Five contributions.

Maximal visibility at the founding forecloses concealment afterwards. A regime that stages its founding acts in public — because their purpose is deterrence and deterrence requires an audience — has permanently given up the option of a seam. It

cannot suppress an event that was performed in front of a crowd on purpose. It must argue instead, and arguing is a different operation with a different apparatus and a far lower success rate. **Diagnostic: where a founding is staged for visibility, expect a propaganda operation rather than a censorship, and expect the regime to be permanently on the defensive about facts it made public itself.**

The interception monopoly, which the framework should carry by name. A legal monopoly over a communications channel, vested in the intelligence chief, converts censorship into surveillance. Cheaper, invisible to the subject, and productive of knowledge rather than merely of silence. **Look for the moment a state takes the post — or its later equivalents — and note who is put in charge of it.** In this case the answer was the Secretary of State, and he held the two offices simultaneously for five years.

And the limit: an interception apparatus catches plots and cannot catch arguments. A plot requires its participants to communicate and is therefore exactly the object such a system is built to find. An argument requires nothing of its readers. This is why the same service in the same year could take an assassin and could not stop a pamphlet, and it is a permanent property of the instrument.

Arguments for open information are made from the position of the excluded. Milton wrote *Areopagitica* against a licensing order in 1644 and licensed newsbooks in 1651, without any change of conviction the record can identify. Position logic, not hypocrisy — and it extends the finding that liberties are residue from factional fights rather than principles held.

And archive survival has at least three mechanisms, none neutral. Confiscation from an attainted minister; orderly destruction at a controlled succession; and private retention by a man the successor regime chose not to destroy. **The collection can study intensively only the regimes whose papers came through one of these routes, and it should keep that limitation on the page rather than in a footnote.**

Three disciplines to close.

The first is against calling this a police state, which is anachronistic and inflates what was actually there. Thurloe's service ran on a small budget with severe constraints of money, manpower and law; it depended overwhelmingly on paid informers rather than on any bureaucracy; the recent scholarship emphasises how much of his work consisted of working around limitations rather than commanding resources; and his own department was itself penetrated. It was an intelligence service in an age that had barely invented the idea, not an apparatus of total control.

The second is the mirror error. Thinness did not make it harmless. Men were held without trial on the Council's warrant; John Lilburne was tried, acquitted, and exiled

anyway, and imprisoned again on his return; presses were seized and printers ruined; and the last independent newsbooks were simply abolished in 1655 by administrative act.

And the third is the gravity, and it is one man at a desk. The author of the greatest argument in English against the licensing of the press spent part of the 1650s licensing newsbooks for the Council of State, and went blind in that service, and afterwards wrote the poem for which he is remembered — in which a figure of enormous strength, having served the government of his enemies, pulls the building down on himself and everybody in it.

A note on sources. This module quotes no primary text at length and rests on paraphrased scholarship, dated legislation, and one contemporary phrase. Contemporaries' descriptions of Thurloe as Cromwell's *factotum*, his *right-hand man* and *the all-seeing little secretary* are reported from the modern scholarship on his intelligence work, which quotes them from contemporary sources; the phrase used as this module's title should be traced to its original before compilation, since it carries the title.

Paraphrased and credited to modern scholarship: Marchamont Nedham's successive newsbooks and their state funding, and the argument of *Mercurius Politicus*, which is quoted in the modern literature from his *The Case of the Commonwealth of England Stated*; the Licensing Order of June 1643, Milton's *Areopagitica* of 1644, the Printing Act of September 1649 and the subsequent measures of 1653 and 1655, including the suppression of newsbooks other than the two official ones; Milton's appointment as Secretary for Foreign Tongues in 1649 and his role as a licenser of newsbooks from 1651; John Thurloe's career, his appointment as Postmaster General in 1655, the establishment of the Post Office as a state monopoly by the Act of 1657, and his use of the office for the interception of correspondence; the breaking of the Sealed Knot, the taking of Miles Sindercombe in January 1657, the exposure of Edward Sexby, and the anticipation of the Fifth Monarchist rising of April 1657 — following, among others, the recent reassessment of Thurloe's intelligence work in *The Seventeenth Century*, which stresses the constraints of money, manpower and legitimacy under which he operated and cautions against reading modern intelligence categories back into the period; and the publication of *Killing No Murder* in 1657, its disputed authorship, its circulation and the reported effect on Cromwell's personal security arrangements. The publication of Thurloe's papers by Thomas Birch in seven volumes in 1742, and the location of the manuscripts in the Bodleian and the British Museum, are as the standard accounts give them.

Contested points are flagged. The authorship of *Killing No Murder* is disputed and no attribution is made here; the reports of Cromwell's reaction to it are exactly that, reports, and are given as such. The traditional account of the manner in which Thurloe's papers were found and preserved is repeated in several forms in the literature and is not asserted in this module; what is asserted is only that they were not confiscated at the Restoration and that Birch published from them in 1742. The extent and effectiveness of Interregnum press licensing is disputed, with recent work generally emphasising its limits. Whether Thurloe should be described as a "spymaster" in the modern sense is itself the subject of the scholarly reassessment cited above, and this module uses the term only in reporting contemporary description. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 8

In Favour of the Meaner Sort

Elite coordination and the default — a hierarchy in which almost every man with standing and means would be better off if the arrangement fell, a floor held by creditors rather than owners, and the discovery that the cheapest way to destroy an army is to pay it

Why this module runs backwards

A default is an arrangement in which each person defending his own position is, without needing to intend it, defending the whole. Nobody has to like anybody. Nobody has to believe anything. If the structure is built so that every man with a stake would be worse off if it fell, the structure is defended as the aggregate by-product of several thousand people looking after themselves — and an order in that condition can survive the death of its founder, the reversal of its official beliefs, and a civil war.

The study of Henry VIII's settlement found the diagnostic for it and this study will now use the diagnostic in reverse. **A default is tested by enemies, not by allies.** Cooperation among men who agree proves nothing. What proves the existence of a beam is a proposition on which men actively trying to destroy one another never take opposite sides — and in Henrician England, Cranmer and Gardiner and Cromwell and Norfolk racked each other's allies and sent each other to the block for eighteen years without one of them ever proposing to return the abbey lands.

Run the same survey here and it gives the opposite reading, cleanly and at every rank. This is not a weak default. It is a **negative** one: an arrangement whose beneficiaries were few and lightly bound, and which the self-interest of nearly everyone who mattered actively opposed.

That makes this case the collection's control, and it is why the module is worth the space. The method is the same: walk the hierarchy, and ask of each rank what he holds, what he holds it under, and whether he would be better or worse off if the arrangement were reversed tomorrow.

The hierarchy, re-run

The apex

Begin at the top, because the weakness starts there.

Oliver Cromwell became Lord Protector on 16 December 1653 under the **Instrument of Government** — a constitution drafted by Major-General Lambert and the Council of Officers, never voted by any parliament, conferring an office held for life with no provision for descent.

Compare the position with the case this study is paired with. Henry VIII's supremacy was, by one clause of the Act of 1534, *annexed and united to the imperial crown of this realm* and vested in the king **and his heirs and successors**. That single drafting decision converted a personal victory into heritable crown property and is the reason the arrangement outlived its author by four centuries.

Cromwell held a personal office created by soldiers. It was not annexed to anything, it descended to nobody, and it rested on an instrument whose authority was that the men with the guns had written it.

The Humble Petition and Advice of 1657 was, among other things, an attempt to fix exactly this — and Module 3 showed what happened to it.

The army officers

The grandees were the regime's real beneficiaries: Lambert, Fleetwood, Desborough, Whalley, Goffe, Berry, Monck. Commands, pay, place on the Council, land in Ireland and England, seats in parliament, and after 1657 membership of the new Other House.

And their stake was office, which has two properties that matter here.

Office is revocable. John Lambert had drafted the Instrument of Government; in 1657 he refused the oath required under the constitution that replaced it and was dismissed from all his commands. The author of the regime's foundation was removed by its successor foundation, in a year, without difficulty.

And an officeholder's interest is in *an* apex that pays him, not in *this* apex. That distinction is invisible while the incumbent lives and decisive the moment he dies. In 1659 the same grandees removed Richard Cromwell, and it cost them nothing at all, because none of their assets was attached to his family.

The peerage

The House of Lords was abolished on 19 March 1649 as useless and dangerous. The resolution passed the Commons without a division.

Set that beside the Henrician finding, because the two are exact inverses and the comparison produces a rule.

The dissolution of the monasteries removed some twenty-five to thirty mitred abbots and priors from the upper house and left the temporal peers a majority there for the first time in the institution's history. Nobody asked for it. No preamble mentioned

it. No peer was told it was a reward. And the study's finding was that **by-product gains bind hardest, precisely because a gain that was never framed as a favour cannot afterwards be re-framed as a favour to be withdrawn** — a peer who has simply always had a majority experiences it as the natural order rather than as an obligation.

The inverse holds with identical force. Cromwell did not reduce the peers' share of a chamber. He abolished the chamber. Every peer in England lost his seat, his privilege of parliament, his separate jurisdiction and his standing in a single afternoon.

> ***A by-product loss binds against an order exactly as hard as a by-product gain binds for it, and for the same reason: nobody has to be persuaded that he wants his seat back.***

And the attempted repair made it worse. The Humble Petition of 1657 created an "Other House" — a second chamber, nominated by the Protector, filled with his officers and supporters. The surviving hereditary peers very largely declined to sit in it. **An offer of a place in a body of one's inferiors, at the gift of the man who abolished one's real seat, is not a restoration but a further statement about where one now stands**, and it was correctly read as one.

In 1660 the peers walked back into their own chamber without anybody needing to pass an Act, because in law it had never been lawfully abolished.

The gentry, who are the decisive stratum

Everything in this module turns on this rank, because in seventeenth-century England the gentry *were* the government.

The commission of the peace ran the counties. Unpaid, local, hereditary in practice and drawn from the leading families of each shire, justices held quarter sessions, administered the poor law, licensed alehouses, repaired bridges, mustered the militia, and conducted the entire ordinary business of English government outside London. A man's place on the bench was the visible measure of his standing in his own country.

The Interregnum purged the commissions and refilled them with different men.

It had to. The regime needed justices who were **well-affected** to it, and in a great many counties the men who were well-affected were not the men who normally sat. So the benches filled with minor gentry, tradesmen, soldiers and sectaries — men whom the displaced regarded, correctly by the standards of the day, as their social inferiors.

The policy was stated most explicitly in Scotland, where the government's initial approach was described as undermining the political power of the nobility **in favour of**

the "meaner sort" — a policy reversed from 1655 under Lord Broghill, precisely because it had failed to produce a governable country.

And then, from August 1655, came the **major-generals**: England and Wales divided into ten districts, each under a soldier answering directly to the Protector, raising a new horse militia funded by the decimation tax, and assisted in each county by small groups of local commissioners described in the government's own correspondence as men *well-affected* to the government.

Note the test, because it is the same test.

Module 2 established that the Act for the Setting of Ireland in 1652 confiscated three-quarters of a man's estate unless he had *manifested his constant good affection to the interest of the Commonwealth of England*. The criterion was not obedience; it was demonstrated positive attachment, applied retrospectively, with the burden on the accused.

That criterion — well-affected — filled the English commissions of the peace.

> ***A regime that staffs its local government by a test of affection has told the natural rulers of the country that obedience is insufficient, and has thereby classified as enemies everyone who is merely willing to comply.***

That is a very large number of people, and in England it was the whole of the class that had always governed. The major-generals became, in a modern historian's phrase, the convenient and powerful symbol of the military nature of the Interregnum state — and the substitution of local elites by military outsiders was, in general, resented.

Default for the English gentry: strongly negative. A restored monarchy meant the bench back, the militia back, the county back. In 1660 they took all three, and no legislation was required for any of it.

The clergy

The episcopal clergy lost everything: their bishops abolished, their liturgy illegal, their cathedrals stripped, their courts gone, and large numbers of them ejected from their livings. **Catastrophic** — and they were the men who had formed the gentry, taught their sons and buried their fathers.

The Presbyterians are the group that decided the outcome and are usually skipped. They had won in 1645: the Directory replaced the Prayer Book and a national presbyterian settlement was in prospect. They then lost it — to the Independents, to the army, to toleration, and finally to a regime in which a man might be a Baptist or a Quaker and go unpunished. They had been purged from parliament in 1648. They were numerous, respectable, propertied, and comprehensively disillusioned.

Default: negative — and this is the load-bearing case, because the Presbyterians were the bridge. They could deal with royalists in a way the Independents never could, and it was the readmission of the secluded members in February 1660 that produced the parliament that recalled the king.

The Independents and the sectaries had everything: toleration, access to livings, and a government that protected them. **Default: strongly positive.**

And they had no means. They were a minority, without land, without the bench, without the Lords, and without any institution of their own outside their congregations and the army.

Set that structure out and it is the framework's condition for fracture stated exactly: the group with the strongest positive stake had the least capacity to act, and every group with the capacity to act had a negative one.

Lawyers, merchants, and the buyers

The lawyers did well out of the conveyancing of confiscated estates and out of four new courts' worth of business, and badly out of the abolition of the ecclesiastical jurisdiction. They blocked law reform, which was what actually threatened them, and kept what paid. **Roughly neutral — and a group with a neutral default will not defend an order.** The Restoration gave them their church courts back.

The merchants are mixed and geographically variable. The Navigation Act and the navy built trades; the Dutch war and then the Spanish war disrupted others, and the trade depression of the later 1650s hurt everybody. By 1659 London's commercial community was substantially against the regime.

And the purchasers of confiscated land are the group that should have carried the whole default, and Module 2 established why they did not. Their title was known to be bad and the market priced it; they bought at a discount, in small numbers, from a narrow pool; and a large proportion of the transactions were royalist families buying back their own estates through agents. **The class Henry manufactured by selling at close to the market rate to several thousand families in every county of England simply did not exist here.**

The soldiers, and the finding

Perhaps forty thousand men under arms across three kingdoms, and their stake was **arrears** — years of unpaid wages, in some cases going back a decade.

And arrears are not a stake. They are a debt.

The distinction is the module's most useful contribution and it is worth setting out slowly.

A man holding a **deed** owns something whose validity depends on the regime's statutes. Overthrow the regime and declare its statutes void, and his asset is worthless. His interest in the arrangement's survival is therefore total, and it does not depend on his liking anybody in it.

A man owed **money** owns a claim. A claim is against the state, not under it. It can be discharged by anybody with the cash, and the identity of the payer is a matter of complete indifference to the creditor. **He does not need this regime; he needs someone solvent.**

In 1660 the Convention Parliament treated the payment of the army's arrears and its disbandment as among its most urgent items of business. It paid, and the soldiers went home.

> ***The cheapest way to destroy a floor is to pay it off.***

That belongs on the card. An army held by pay is held by whoever pays it. An army held by land — as in the Norman settlement, where knight service was the price of the estate — is held by the man whose title to the land it is. The Protectorate's floor was the first kind, and its arrears were transferable.

Ranking the bindings

Assemble the survey and the collection can now do something it has not been able to do before: **rank the kinds of stake by whether the holder's asset survives the regime.**

First — the deed. A purchase creates a title whose validity is the statute book's. The holder's loyalty is not to the ruler and does not decay with gratitude; it attaches to the legislation and therefore survives the legislator. Henry's several thousand buying families held for four centuries and were not dislodged by a Catholic queen with a papal legate.

Second — the by-product structural gain. A seat, a majority, a jurisdiction acquired without ever being told it was a reward. Very strong, because it cannot be re-characterised as a favour and withdrawn, and because its holder experiences it as the natural order.

Third — the office. A command, a commission, a place on a council. Weak: revocable by whoever holds the apex, and — decisively — the holder's interest is in *an* apex who will confirm him, not in this one.

Fourth — the debt. Arrears, a claim, an unfunded promise. **Not a stake at all**, and in a crisis actively adverse, because a solvent successor serves the creditor better than an insolvent incumbent.

The Protectorate had nobody in the first category and nobody in the second. It had a substantial body in the third. And its entire floor was in the fourth.

That is the mechanical explanation of 1660, and it requires no reference to popular sentiment, royalist nostalgia, or Cromwell's personal qualities. **A structure with no holders of deeds, no holders of by-product gains, a revocable officer class, and a creditor army is not weakly defended. It is undefended, and it will fall to the first person who can pay the creditors.**

The diagnostic, inverted

Which gives the counterpart to the Henrician test, and it is the more useful of the two for reading an order in trouble.

Henry's diagnostic: find the proposition on which men actively destroying each other never take opposite sides, and you have found the beam.

This case's diagnostic: find the proposition on which men who agree about nothing else converge — and if that proposition amounts to restoring the previous arrangement, the order is finished, however strong its army looks.

By the winter of 1659–60 the convergence had happened and it can be listed. Presbyterians who had been purged in 1648. Royalists who had been fined and disarmed. Secluded members who wanted their seats. Peers who wanted their house. County gentry who wanted their bench. London merchants who wanted stability and an end to the excise commissions. And a very large part of the army itself, which wanted its arrears.

They agreed on nothing else whatever. They had fought each other, informed on each other, sat in judgment on each other. Many of them had voted for the war against the king in 1642.

And what they converged on was a formula: **a free parliament.**

Nobody had to say "the king." That was the point. **A demand that is unanimous and formally neutral is the most dangerous single thing that can appear in a hierarchy, because it lets men who could not otherwise sit in a room together coordinate without any of them having to admit what they are coordinating on.** Everyone knew what a free parliament would do. Nobody had to concede it in advance, and therefore nobody had to be the first to expose himself.

When George Monck marched from Scotland in the winter of 1659–60, that was the demand he came south carrying, and it was the only demand that could have carried him.

Cromwell saw it

And the module should close its analysis by recording that the Protector understood his own problem, because the record is unambiguous and it makes the outcome a tragedy rather than a blunder.

The Humble Petition and Advice of 1657 was the repair. Read as a structural document rather than as a title dispute, it proposed to do precisely what this module has found was missing. It offered the crown, which would have placed the office inside the known law of England, with limits every lawyer understood. It provided for **hereditary succession**, which would have annexed the position to a family rather than a person. It **restored a second chamber**. It gave parliament control over the army and a voice in the great offices. It provided for regular elections.

Every one of those is an attempt to convert offices into inheritances and personal power into constitutional property — which is to say, an attempt to manufacture the very default the arrangement lacked.

And it was defeated by the one group in the country whose default was positive. Module 3 gave Cromwell's own reason for refusing the crown; the sources also record that the army officers and the religious radicals were pressing hard against it, and that they were the constituency he could not afford to lose.

> ***The only men with a positive stake in the arrangement were the men who prevented the change that might have given everybody else one.***

That is the structural statement of the Protectorate's failure, and it does not require anybody in it to have been foolish or wicked.

Reading the default against the framework

Six contributions.

The negative default, and this case is the collection's control. Every other study has examined arrangements that held and asked what held them. This one examines an arrangement that fell in eighteen months and finds that the self-interest of nearly every man with standing and means was **against** it. Peers wanted their chamber. Gentry wanted their bench. Episcopal clergy wanted their livings. Presbyterians wanted a national church. Lawyers wanted their courts. Merchants wanted stability. Landowners

wanted relief from the assessment. **A default is not merely absent in such a case; it is running in reverse, and every man looking after himself is dismantling the order without needing to conspire.**

Bindings rank by whether the holder's asset survives the regime: deed, by-product gain, office, debt. This ordering is the module's principal addition and it is directly diagnostic. Survey any order's beneficiaries and sort them into those four categories, and the proportions will tell you far more about its durability than the size of its army.

A creditor is not a defender, and the cheapest way to destroy a floor is to pay it off. The Protectorate's army was the most formidable in Europe and it was held by arrears. In 1660 a parliament paid the arrears and disbanded it, and it went. **An army held by pay is held by whoever pays. An army held by land is held by the man whose title to the land it is.**

By-product losses bind against an order as hard as by-product gains bind for it. The abolition of the House of Lords cost the Protectorate every peer in England permanently, at a stroke, without anyone having to be persuaded of anything — the exact mirror of the free permanent majority Henry's dissolution handed the same class a century earlier.

A regime that staffs its local government by a test of affection classifies the merely obedient as enemies. The criterion *well-affected*, which filled the English commissions of the peace, is the same criterion that took three-quarters of an Irishman's land in 1652. Demanding demonstrated attachment rather than compliance converts every neutral into a suspect, and in England the neutrals were the people who had always governed.

And the convergence diagnostic: watch for a unanimous demand that is formally neutral. *A free parliament* was a phrase every faction could say, meaning something none of them had to specify, permitting coordination between men who could not otherwise have negotiated. **Where a study finds enemies converging on a procedural formula rather than on a programme, it is watching a coalition assemble that could not have assembled around any substantive proposal — and that is the most dangerous configuration an order can face, because it has nothing to attack.**

Three disciplines to close.

The first is against reading the Restoration as popular rejoicing that swept a hated tyranny away. It was a coordination among elites who wanted incompatible things and found a formula they could all say. The bonfires in May 1660 were real, and so was the fact that many of the men lighting them had spent the 1640s fighting the king's father.

The second is against reading Cromwell as a man who failed to see his problem. The whole of the 1657 crisis is a governing class and a Protector between them trying to build precisely the default this module finds missing — hereditary succession, a second chamber, a known office, parliamentary control of the army. He was blocked, and blocked by his own base, and the sources suggest he knew what it would cost.

And the third is the gravity, which in a module about interests has to be located in a person. Richard Cromwell inherited in September 1658 an office his father had held by an instrument the army wrote, over a hierarchy in which almost nobody had a reason to keep him, funded by a revenue that did not meet the arrears of the men who could remove him. He lasted eight months. He was not, on the evidence, a bad man or a notably foolish one; he was simply the sole heir to a position that had never been made heritable in any sense that mattered, and he had nothing whatever to leave to his own son but a name. He lived until 1712, quietly, mostly abroad and then in Hertfordshire, and outlasted four more monarchs.

A note on sources. This module quotes no primary text at length and rests on paraphrased scholarship, dated constitutional instruments, and two contemporary phrases. The description of the Commonwealth's initial Scottish policy as undermining the political power of the nobility **in favour of the "meaner sort"** is reported from the standard accounts of the Cromwellian union, which give it as a characterisation of the policy rather than as a quotation from a single document; the phrase carries this module's title and **should be traced to its original before compilation.** The description of the major-generals' local assistants as men *well-affected* to the government is from the correspondence of the county commissioners as printed in Thurloe's state papers and quoted in the modern scholarship. The phrase *constant good affection* is from the Act for the Setting of Ireland of 1652, as sourced in Module 2.

Paraphrased and credited to modern scholarship: the Instrument of Government of December 1653 and the Humble Petition and Advice of 1657, including the latter's provisions for hereditary succession, a second chamber, parliamentary control of the army and regular elections; Lambert's authorship of the Instrument and his dismissal in 1657; the abolition of the House of Lords in March 1649 and the refusal of the surviving hereditary peers to sit in the Other House; the purging and refilling of the commissions of the peace across the Interregnum; the rule of the major-generals from August 1655, its ten districts, its funding by the decimation tax, and the defeat of the militia bill in January 1657 — following Christopher Durston's study, from which the characterisation of the major-generals as the symbol of the military nature of the Interregnum state is taken, and the county study of Essex which supplies the detail on

the local commissioners; the reversal of Scottish policy under Lord Broghill from 1655; the ejection of episcopal clergy and the disappointment of the Presbyterians; the readmission of the secluded members in February 1660 and Monck's march from Scotland; and the Convention Parliament's payment and disbandment of the army. The Henrician material — the annexation of the supremacy to the imperial crown, the abbots' departure from the Lords, the twenty years' purchase sales, and the diagnostic that a default is tested by enemies — is as sourced in the companion study.

Contested points are flagged. The extent and social character of the purging of the commissions of the peace varied enormously by county and the picture of wholesale replacement by social inferiors is a generalisation that the county studies qualify in both directions; this module rests on the proposition, which is not disputed, that a test of affection was applied and that many customary justices were displaced by it. The strength of the army across the three kingdoms is given approximately and fluctuated. The proportion of episcopal clergy ejected is disputed, as noted in Module 4. Whether Cromwell's refusal of the crown is better explained by conscience or by the opposition of the army officers is a live disagreement, discussed in Module 3, and this module takes only the point that army and radical opposition was pressing and that he could not afford to lose that constituency. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 9

Persons of Known Integrity, Fearing God

Plurality or foreclosure — a decade that contracted almost every protection an Englishman had, left nothing that became anybody's default, and therefore left nothing at all except the thing its successors resolved never to permit again

The question, and why this module has a different job

There is a state apparatus. The question is whether anything stands between it and you: whether you can say what you think, petition, assemble, hold property against a decree, and be tried rather than condemned.

And the harder question underneath: where do such protections come from? They are not gifts and they are almost never created by the people who most need them. They are **residue** — what falls out of a fight inside the hierarchy, when a faction with standing bargains from a position where the apex would rather concede than break the arrangement. What is conceded gets written down, and sits there, and is picked up two generations later by somebody who does not know why it was granted.

The study of Henry VIII's decade ran that survey and found a striking asymmetry. Almost everything taken away — the Treasons Act, the Six Articles, the Act of Proclamations, the statute restricting Bible reading — was repealed within a year of the king's death. Almost everything won survived: the Statute of Wills ran to 1837, and the parliamentary privilege established in the Ferrers case is in force today. And the rule derived from it was this:

> ***A liberty becomes durable at the moment it is converted into somebody's default.*** *A restriction that exists because a particular ruler wants it dies when he does, because nobody's position depends on it. A privilege owned by a standing body whose members personally benefit is defended by every one of them looking after himself.*

This module runs the same survey on an order that failed, and the result confirms the rule by demonstrating its negative. Almost nothing granted in the 1650s survived 1660 — and the reason, module by module, is that none of it became anybody's default.

But the decade left residue all the same. It left an enormous amount of it, of a kind the collection has not yet named, and identifying that kind is what this module is for.

Part one: what was taken away

The audit must lead here, and it must be honest, because on any straightforward reading **an Englishman in 1656 had fewer protections against the state than his father had in 1636.**

Parliament was removed by force, repeatedly. Pride's Purge in December 1648. The Rump expelled by soldiers in April 1653. The Nominated Assembly surrendering its authority back to Cromwell in December 1653. The First Protectorate Parliament dissolved in January 1655 at the earliest moment the Instrument permitted, the five months having been counted in lunar rather than calendar months. The Second dissolved in February 1658.

Elected members were excluded by the executive, and the instrument that permitted it is in England's only written constitution. Article XVII of the Instrument of Government provides:

> *That the persons who shall be elected to serve in Parliament, shall be such (and no other than such) as are persons of known integrity, fearing God, and of good conversation, and being of the age of twenty-one years.*

Stop on that clause, because it is the module's title and its central specimen.

A written constitution has made **moral and religious character a qualification for election** — and the Council of State judged whether a returned member met it. In 1656, something in the order of a hundred members duly elected by their constituencies were refused admission to the House on the Council's certificate.

That is not a franchise restriction. It is a veto on the electorate's choice, exercised after the count. Pride's Purge of 1648 had been performed with soldiers at the door of the chamber and is remembered as the founding scandal of the period. The exclusion of 1656 was performed by a committee with a list of names, and the collection should notice that nobody called it a purge.

> ***Where a constitution imposes a moral or religious qualification for election and gives the executive the adjudication of it, the franchise is decorative.***

And the franchise itself was raised. Article XVIII required that a county elector be *seised or possessed to his own use, of any estate, real or personal, to the value of £200* — replacing the forty-shilling freehold that had stood since 1430. The scholarship reads this, correctly, as a direct repudiation of the Leveller position argued at Putney nine years earlier.

Catholics and known royalists were excluded outright from voting and from election.

A standing army was written into the constitution. Article XXVII provided for a constant yearly revenue to maintain ten thousand horse and dragoons and twenty thousand foot in England, Scotland and Ireland. **No English constitutional document before or since has made a peacetime standing army a permanent charge on the revenue**, and this one did it in the same document that established the franchise.

Government proceeded without parliament where necessary: the major-generals from 1655 and the decimation tax that funded them were established under the Instrument's ordinance power rather than by statute, and Module 8 established what that did to the county gentry.

Treason was tried without juries before High Courts of Justice constituted for the purpose.

Men were imprisoned on the Council's warrant, and the writ of habeas corpus was refused. The sharpest test of the period is the case of George Cony, a London merchant who in 1655 refused to pay customs duties on the ground that they had been imposed without parliamentary authority. His counsel were committed for arguing the point, and the Chief Justice, Henry Rolle, resigned rather than give judgment. **Every element of that episode — the taxpayer's objection, the imprisonment of the lawyers, the judge's resignation — is a rehearsal of the constitutional grievances of the 1630s, conducted by the government that had fought a war about them.**

The press was licensed and then, in 1655, abolished except for two official newsbooks (Module 7). **Blasphemy and adultery were made statutory offences** in 1650. **And in 1656 parliament sat as a criminal court and sentenced James Nayler to be pilloried, whipped, bored through the tongue and branded** (Module 4).

That is the ledger, and it is not a close question.

Part two: the exception, and the things that were won

Against all of it stands one genuine and very large exception, and a handful of measures that were real and did not last.

Liberty of conscience

Article XXXVII of the Instrument granted liberty of worship to those professing faith in God by Jesus Christ, and it was meant. Cromwell defended it repeatedly, pressed for the readmission of the Jews after three and a half centuries, and protected men his own parliaments wanted punished.

Measured against Europe in 1655, it is remarkable, and this study will not be clever about it.

And its limits are the module's honest finding. The liberty did not extend to popery, to prelacy, or to those who under profession of Christ practised licentiousness — which excluded, at a stroke, Roman Catholics, the episcopal Church of England, and the more extreme sects. That is to say: it excluded the two largest religious constituencies in the three kingdoms and the most radical minority, and protected the middle.

And the Nayler case showed what happened when the limit was tested. Parliament sat as a court, debated putting a man to death for blasphemy, decided against it by a narrow margin, and mutilated him instead — under a constitution guaranteeing that none professing faith in God by Jesus Christ should be restrained for his judgement in matters of religion. **The Protector could not stop it, because he had abolished the machinery by which such a question might have been decided any other way.**

A written constitution

The Instrument of Government is England's only written constitution, and the *idea* in it is genuinely new to English practice: that a fundamental instrument might stand above ordinary legislation, define the powers of the executive and the legislature, and be alterable only by a special process.

That idea has an enormous future. It is the ancestor of every written constitution since, and the men who drafted at Philadelphia in 1787 were working in a tradition this document opened.

And it failed immediately, for a reason worth naming. The First Protectorate Parliament refused to accept the Instrument as the source of its own authority and immediately set about revising it, which is why Cromwell dissolved it at the first legal opportunity.

> ***A constitution drafted by an executive and never ratified by a representative body cannot bind that body.*** *The Council of Officers wrote it in December 1653 and had no mechanism by which to make anybody else's authority derive from it.*

That is a general finding and it explains a great deal about written constitutions elsewhere: the document's force comes from the ratification, not from the drafting.

The redistribution of seats

The Instrument remodelled the representation. Small boroughs were disfranchised in large numbers; growing towns sent members for the first time; university representation was cut; and county representation was raised until 265 of the 400 English seats were county seats.

It was reversed entirely in 1660 and nothing comparable was achieved again until 1832.

And here is the most uncomfortable finding in the module about the question of who was let in.

The reform **redistributed the political nation rather than enlarging it, and redistributed it upward.** Small freeholders with forty shillings lost the vote they had held since 1430. Borough patrons lost their pocket seats. Substantial county gentry gained weight. The scholarship is divided on how to characterise the intention — some accounts read it as reducing gentry influence in favour of an emerging commercial class, others as a straightforward repudiation of the Levellers — and both readings can be sustained because the measure did both things at once.

But the structural point survives the dispute. The men who gained weight in the chamber were, very largely, the same county gentry whom Module 8 found being displaced from their benches and vetted by the Council. **A reform that gives a class more seats in an institution the executive can dissolve at will, packaged with a character test on its members and a veto on returns, has given that class nothing it can use.** And they did not treat it as a gift.

And the rest

The **union** of England, Scotland and Ireland in a single parliament with thirty members each — reversed in 1660, achieved again in 1707 and 1801. **Civil marriage** before a justice of the peace, by the Act of 1653 — reversed. **Legal proceedings in English rather than Latin**, from 1650 — reversed in 1660, and not restored until 1731.

Part three: what actually survived, and why it is not what was granted

Now apply the Henrician test and watch it work.

Whose default did any of this become?

The seat redistribution benefited county gentry who were simultaneously being purged from the commissions of the peace and excluded from the House they had been elected to. **Not a default.**

The union benefited nobody in England, was resented in Scotland as an imposition, and cost money.

Civil marriage benefited nobody in particular and offended a great many.

English in the courts was disliked by the lawyers, who were the only people with a professional interest in the question and who wanted their Latin back.

Liberty of conscience benefited a religious minority which, as Module 8 established, had no land, no bench, no chamber and no institution outside its own congregations.

Nothing in the entire decade was converted into the durable self-interest of any group with the means to defend it. And so nothing survived.

That is the strongest available confirmation of the rule, because it is confirmation by failure. The Henrician gains lasted because a standing body's members personally benefited and would have had to vote to give them up. The Cromwellian gains vanished because there was nobody for whom their disappearance was a loss.

And yet the decade left more residue than almost any in English history — and it is of a different kind.

> ***What survived is not what was granted. It is what everybody afterwards resolved never to permit again.***

Read the Bill of Rights of 1689 as a list and this becomes plain. It is almost entirely a catalogue of prohibitions, and while it was drafted against James II, several of its clauses describe the Protectorate as exactly as they describe him:

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law — and the Instrument of Government had made a standing army of thirty thousand men a permanent constitutional charge.

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, is illegal — and the decimation tax had been levied by ordinance, and George Cony's counsel had gone to prison for saying something very like it in 1655.

That election of members of Parliament ought to be free — and a hundred elected members had been turned away from the door in 1656 on a certificate of insufficient godliness.

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament — and five parliaments had been dissolved or purged by force in twelve years.

Beside it stand the Militia Acts of 1661 and 1662, vesting the sole command of the militia in the crown and settling for two centuries the question of who may raise armed force in England; and the Habeas Corpus Act of 1679, which is the direct legislative answer to a generation in which royal and republican governments alike had imprisoned on warrant and declined to produce the body.

So the general finding, and it completes rather than contradicts the Henry rule:

> ***Positive residue accretes from factional bargains inside a surviving order. A failed order leaves negative residue — what its successors resolve never to allow again, written into the next settlement as an express prohibition. And negative residue is often the more durable of the two, because a prohibition requires no beneficiary to defend it. A privilege needs somebody whose interest it is. A prohibition needs only a memory of what happened last time — and after a catastrophe that memory is held by everybody.***

That is why the constitutional settlement of 1689 is written almost entirely in negatives, and why it held.

And the demonstration that could not be undone

There is one further piece of residue and it is the largest of all, and it is neither a grant nor a prohibition but a **demonstration**.

Between 1649 and 1660 the following was established as a matter of observed fact rather than of theory: that a parliament could try a king; that it could execute him; that it could abolish the monarchy and the House of Lords by resolution; that the country could be governed for eleven years without either; and then — the part usually forgotten — that a Convention Parliament, summoned by nobody with lawful authority to summon it, could **restore** the monarchy.

By the summer of 1660 the proposition that parliament can make and unmake a king had been demonstrated twice, in opposite directions, within twelve years.

That could not be un-demonstrated. The Restoration's legal fiction — that Charles II's reign ran from 30 January 1649 and the Interregnum had not happened — settled the question of titles and settled nothing about what everybody had watched.

Twenty-eight years later it was used again, without hesitation and almost without argument, by a Convention that declared a throne vacant and filled it.

Reading plurality against the framework

Five contributions.

The Henrician rule holds, and holds by its failure. A liberty becomes durable when it is converted into somebody's default. Nothing granted in the 1650s became anybody's default, and nothing granted in the 1650s survived. Confirmation by negative is the strongest form available to a framework of this kind, and this case supplies it cleanly.

Negative residue, and it belongs on the card beside positive. A surviving order leaves privileges won in factional bargains. A **failed** order leaves prohibitions — the express negatives its successors write into the next settlement, describing what shall never be done again. **And prohibitions are frequently the more durable, because they need no beneficiary: a privilege must be defended by somebody whose interest it serves, while a prohibition is held in place by the general memory of a catastrophe.** Where a study finds an order that collapsed, it should stop asking what liberties it granted and start reading the next settlement's list of things forbidden.

A constitution drafted by an executive and unratified by a representative body cannot bind that body. The Instrument of Government was written by a Council of Officers, and the first parliament that met under it immediately refused to derive its authority from it. The force of a fundamental instrument comes from the ratification, not from the drafting — which is why the Instrument failed and why later written constitutions have gone to such elaborate lengths over the manner of their adoption.

A character test on the elected, adjudicated by the executive, is a foreclosure dressed as a qualification. *Persons of known integrity, fearing God, and of good conversation*, with the Council of State to judge — and a hundred duly returned members excluded in 1656. **Where a constitution conditions membership of the legislature on the moral or religious character of the member and gives the executive the finding, the electorate's choice is advisory.** Note also that this is the same instrument, one level up, as the *well-affected* test that filled the commissions of the peace and the *constant good affection* that confiscated Irish land — a single regime applying a criterion of demonstrated attachment at every level of its structure.

And redistribution is not enlargement. The one constitutional reform of the period moved the franchise upward, disfranchising forty-shilling freeholders while enfranchising towns and weighting counties. It gave more seats to a class it was simultaneously purging from local office, in a chamber the executive dissolved at will, subject to a character test the executive judged. **Where an order redistributes political weight without extending it, and hedges the redistribution with**

executive controls, it has bought nothing — and it should not be surprised when the beneficiaries do not defend it.

Three disciplines to close.

The first is against the Whig reading, which treats this decade as a stage in the ascent of English liberty. It was not. It was the sharpest contraction of protections in English history before the twentieth century, carried out by men who had gone to war over ship money and who ended by levying customs without statute and imprisoning the lawyers who objected. What the decade contributed to English liberty was almost entirely a set of negative examples, and the contribution is real precisely because it is negative.

The second is against the cynical reading, which dismisses the toleration as a fraud. It was not a fraud. It was limited, it was inconsistently defended, and it was real — and men who had never in their lives been able to worship as they wished valued it enormously, and remembered it for a century afterwards, and it went into the arguments that produced the Toleration Act of 1689.

And the third is the gravity, which in this module is two rooms. In one, a merchant's counsel are committed to prison for arguing in open court that a customs duty imposed without an Act of Parliament is unlawful, and the Chief Justice of England resigns rather than rule on it. In the other, in September 1656, a hundred men who had been chosen by their counties and boroughs to represent them arrive at Westminster and are turned away at the door by a committee holding a list, on the ground that they are not persons of known integrity, fearing God, and of good conversation.

Eight years earlier a colonel had done the same thing with a regiment, and it had shocked Europe. **The second time, it was done with a certificate.**

A note on sources. Quoted exactly from a public-domain primary text: the Instrument of Government of December 1653, at Article XVII (*persons of known integrity, fearing God, and of good conversation*), Article XVIII (the £200 county franchise), and Article XXVII (the constant yearly revenue for *10,000 horse and dragoons, and 20,000 foot, in England, Scotland and Ireland*), from the text as reproduced on Wikisource and cross-checked against the version printed by the Cromwell Association, which agree. Article XXXVII on liberty of worship is reported in substance and should be quoted from the enrolled text before compilation, as noted in Module 4. The clauses of the Bill of Rights 1689 are quoted from the statute in the standard modernised form.

Paraphrased and credited to modern scholarship: the sequence of dissolutions and purges from 1648 to 1658, including the lunar-month calculation by which the First Protectorate Parliament was dissolved in January 1655; the exclusion of returned members by the Council of State in 1656, and the approximate number excluded,

which is variously given; the redistribution of seats under the Instrument, the disfranchisement of small boroughs, the enfranchisement of growing towns and the raising of county representation to 265 of 400 English seats; the exclusion of Catholics and royalists from the franchise; the establishment of the major-generals and the decimation tax under the ordinance power; the High Courts of Justice; the Act for civil marriage of 1653 and the Act for proceedings in English of 1650, and their reversal; the Cromwellian union and its parliamentary representation; and the Militia Acts of 1661–62 and the Habeas Corpus Act of 1679.

The case of George Cony (1655) is given here as the standard accounts give it — a London merchant refusing customs imposed without parliamentary authority, the committal of his counsel, and the resignation of Chief Justice Rolle — and **the details should be verified against the law reports and the specialist literature before compilation**, since the episode carries a substantial part of this module's argument and the accounts of it in general histories vary in particulars.

Contested points are flagged. The number of members excluded in 1656 is given approximately and differs between authorities. Whether the Instrument's electoral reform is better characterised as reducing gentry influence in favour of a commercial class or as a repudiation of Leveller democracy is disputed in the scholarship, and this module reports both readings and rests only on the proposition that the forty-shilling county franchise was replaced by a £200 qualification, which is not disputed. The attribution of the Instrument's drafting to Lambert is conventional and is qualified in some accounts. The extent to which liberty of conscience was actually enjoyed varied enormously by locality and by sect, and the Nayler case is discussed in Module 4 with its own caveats. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 10

And His Army Melted Away

Change and collapse — twenty constitutional changes in eighteen years, not one of them made from below, and a restoration decided in the end by which of two armies had been paid

The claim, at full strength

The framework's account of change is the least comfortable thing in this collection and it should be put at its hardest before this case tries it.

Structural change does not come from below. A functioning state commanding an organised and loyal monopoly of force does not lose to its own population, because unorganised bodies lose to organised violence and numbers are not force. Popular grievance is close to a constant across societies and generations, and a constant cannot explain a rare event. What is rare — and therefore what does the explaining — is a crack at the top: an elite that fractures, an elite exhausted militarily or fiscally to the point where it can no longer project force or must re-price the arrangement, or an elite conquered by a rival.

On that account the common man is real, his anger is real, his pressure is a genuine cause of the re-pricing — and he is the weight on a lever that is worked somewhere above him.

England between 1642 and 1660 is the cleanest demonstration of that claim available anywhere in this collection, and the reason is not that the case is unusually one-sided. It is that the case is unusually *legible*. The constitution of England changed roughly twenty times in eighteen years, and every single change can be dated to a month and attributed to a named man or a named body.

So this module can do something the others cannot. It can simply list them.

Twenty changes, and who made each one

August 1642 — war. Made by a king raising a standard and by a majority of the House of Commons with a substantial minority of the peerage.

6 December 1648 — Pride's Purge. Made by a colonel with a regiment and a list.

4 January 1649 — the Commons declares itself the supreme power. Made by the purged remnant of one chamber.

30 January 1649 — the king executed. Made by a court that remnant had created.

17–19 March 1649 — monarchy and the House of Lords abolished. Made by the same remnant, the second resolution passing without a division.

19 May 1649 — England declared a Commonwealth. The same.

20 April 1653 — the Rump expelled. Made by Oliver Cromwell in person, with a file of musketeers.

July 1653 — the Nominated Assembly summoned. Made by the Council of Officers, from lists supplied by the gathered churches.

12 December 1653 — that assembly surrenders its power. Made by its moderate members, who assembled early one morning and voted to hand authority back to Cromwell before the radicals had arrived.

16 December 1653 — the Protectorate. Made by John Lambert and the Council of Officers, by drafting a document.

22 January 1655 — the First Protectorate Parliament dissolved. By the Protector, at the earliest moment his own constitution permitted.

August 1655 — the major-generals. By the Council of State, under the ordinance power.

January 1657 — the major-generals ended. By the House of Commons, refusing the militia bill.

February–May 1657 — the crown offered and refused. By a parliamentary faction, and blocked by the army officers.

June 1657 — the Humble Petition and Advice adopted. By parliament and Protector together.

3 September 1658 — Richard Cromwell succeeds. By his father's nomination.

22 April 1659 — Richard forced to dissolve his parliament. By Fleetwood and Desborough.

7 May 1659 — Richard removed and the Rump recalled. By the army grandees.

13 October 1659 — the Rump expelled again, its members locked out of the Palace of Westminster with armed guards at the doors. By Lambert and Fleetwood.

26 December 1659 — the Rump recalled. By the army, splitting, under the imminent threat of civil war within itself.

21 February 1660 — the members secluded in 1648 readmitted. By George Monck.

16 March 1660 — the Long Parliament dissolves itself, having sat for nineteen years. Under Monck's direction.

25 April to 29 May 1660 — a Convention Parliament, the Declaration of Breda, and the Restoration.

Twenty-three, if one counts closely. Not one of them was made by a peasant, a labourer, an artisan, a servant, or a crowd.

Every single one was made by a man with a commission, a regiment, or a seat.

And every rising failed

Set beside that list the other list, which runs through the same eighteen years and never once intersects with it.

The Clubmen, 1644–45. Tens of thousands of countrymen across the west and the midlands, armed with the implements their name records, organised by parish and county, and demanding that both armies leave them alone. It was the largest popular movement of the wars. Cromwell dispersed a body of them at Hambledon Hill in Dorset in August 1645 with very few casualties and sent them home.

The Leveller mutinies, 1649. Regiments that refused Ireland and demanded the Agreement of the People. Run down at Burford in May; three men shot against the churchyard wall while the rest watched from the roof.

The Diggers, 1649–50. And this is the framework's purest specimen in the entire collection.

Gerrard Winstanley and something like forty people occupied waste ground at St George's Hill in Surrey and began to dig it, on the argument that the earth was a common treasury and that the enclosure of it rested on the Norman Conquest and on nothing else. It is among the most radical property claims ever made in English, and Winstanley's writing is among the most serious political thought the century produced.

It was ended by local landowners, some hired men, and the occasional soldier, without the state having to do anything. The crops were pulled up, the huts burned, the diggers beaten and sued in the manor court. There was no battle, no repression worth the name, and no need for one.

The most radical proposal of the English revolution was disposed of by a handful of gentlemen with a magistrate's warrant.

The Christmas riots of December 1647 at Canterbury, Bury, Norwich, Ipswich and London — dispersed by soldiers.

The excise riots through the 1640s and 1650s — dispersed.

Penruddock's rising, March 1655. A royalist gentry rising in Wiltshire. Crushed within days.

Booth's rising, August 1659. Royalist and Presbyterian gentry in Cheshire, with substantial local standing and genuine political backing. Crushed by Lambert with what the modern scholarship calls enormously efficient repression.

Venner's rising, January 1661. Fifty Fifth Monarchy men in London. Crushed.

Two lists, running side by side for eighteen years, and they never touch. The constitution changed twenty-three times and every rising failed — including, and this is the extension worth noting, **the risings led by men of standing and means.** Penruddock and Booth were gentry risings, organised by exactly the sort of people the framework identifies as capable of leading a change, and both were destroyed by an intact army in a matter of days.

Standing is not sufficient. The fracture has to be inside the floor itself.

1659: the floor fractures

Which brings the module to the year in which it was, and to the clearest sight the collection has ever had of the mechanism working.

Cromwell died on 3 September 1658 and the apex was empty. Module 8 established why: the office was personal, held for life under an instrument the army had drafted, and annexed to nothing. His son inherited a title and no command, no military standing, no settled revenue and no arrears paid.

April and May 1659. The grandees — Fleetwood, Desborough — forced Richard to dissolve his parliament and then removed him. He did not resist, because there was nothing to resist with. He signed and went, and lived another fifty-three years.

May 1659. The army recalled the Rump, and the Rump immediately began quarrelling with the army about the two questions that had been the whole content of English politics since 1647: **who commands, and who is paid.**

August 1659. Booth's rising, and Lambert crushed it — which had the effect of making Lambert, the most capable soldier in England after Monck, the decisive figure in the army and the man the Rump most feared.

13 October 1659. Lambert and Fleetwood expelled the Rump, locking the doors of Westminster with armed guards outside, and set up a Committee of Safety.

And then the floor came apart.

Portsmouth, a key garrison town, declared against the government. On 13 December Vice-Admiral Lawson declared for the Rump, and on the 16th he sailed the fleet into the Thames. Haselrige set out for London with the Portsmouth garrison. Lord Fairfax, the New Model's first commander, came out of retirement in Yorkshire to muster a force. There were apprentice riots in London and protests at Bristol, and petitions arrived from everywhere demanding an end to army rule and a free parliament.

On 26 December, facing civil war inside itself, the army restored the Rump.

And then the accounting event

Now the decisive fact, and it is not a battle.

George Monck commanded the army in Scotland. Something in the region of seven thousand men, disciplined, and — this is the point — **paid.** In August 1659 the Council of State had granted him £20,000, and the Scottish assessment was coming in. He had a war chest.

He condemned the October expulsion of the Rump, was offered the command of the Rump's army, and prepared to march.

Lambert marched north to stop him with something like eight thousand men. On paper that is a larger and at least equally experienced force under one of the best soldiers in Europe.

Lambert's army was unpaid.

Monck moved to Coldstream on the Tweed. Lambert's force sat at Newcastle and showed no inclination to advance. It did not fight, it did not manoeuvre, and it did not hold together. Lambert retreated south, and as he retreated **his army melted away**, until on the standard accounts he was reduced to a few dozen horse.

Monck crossed the Tweed at the turn of the year and marched on London without opposition, receiving petitions for a free parliament in every town he passed, and reached the capital on 3 February 1660 — where he found the long unpaid Commonwealth army mutinous.

On 21 February he readmitted the members secluded in 1648. On 16 March the Long Parliament dissolved itself. On 4 April Charles issued the Declaration of Breda — its terms, on the standard accounts, shaped by Monck's private advice, and including a general pardon and **the payment of the army's arrears**. On 25 April the Convention met. On 29 May the king entered London.

The decisive military event of the English Restoration was not a battle. It was a payroll.

Two armies faced each other in the north of England in the last week of 1659. One had been paid and one had not. The unpaid one dissolved without a shot, and the man who had written England's only written constitution was left on a road in the north with a handful of cavalry.

That is Module 8's finding executing itself in the field. A creditor is not a defender; an army held by pay is held by whoever pays it. Monck did not defeat Lambert. **Monck's war chest defeated Lambert's arrears** — and eight weeks later a parliament promised to pay everybody's arrears, and the whole floor of the English republic went home.

What the framework should add

Elite Chaos names four cracks through which structural change arrives: fracture, exhaustion, conquest, and overproduction. This case is a pure specimen of the first two operating together, and it exposes a sub-case the framework does not currently name.

Where the elite and the floor are the same institution, a fracture inside the elite is a fracture inside the floor — and the change is settled by an internal military competition rather than by anything resembling politics.

In most of the cases in this collection the mechanism runs: an elite splits, and one faction arms or admits a crowd against the other. There is a door, and somebody is handed through it.

Here there is no door and no crowd, because the elite that split *was* the army. What happened between October 1659 and February 1660 was not a revolution and not a rebellion. It was two generals and a question about who could pay his men, conducted at a distance of three hundred miles, and resolved without an engagement.

And the resolution mechanism is the addition:

> ***Where a regime's ruling elite and its coercive floor are the same body, the outcome of a fracture is decided by solvency rather than by force. The winner is whoever holds the pay chest, because loyalty in such a body is a contractual relation rather than a personal or a proprietary one.***
> ***Diagnostic: in such a case, do not read the politics. Read the accounts.***

That is why the Restoration required no battle, and it is why it happened at the moment the fiscal exhaustion documented in Module 6 reached the arrears.

Where the population was

They were not absent, and it would be false to describe them as spectators.

Through the autumn and winter of 1659 there were petitions from counties, boroughs and corporations. There were apprentice riots in London and protests at Bristol. When Monck marched south, petitions met him in town after town demanding a free parliament. And in February 1660, when the readmission of the secluded members made a free parliament certain, London celebrated in the streets — bonfires along the Strand, bells, and the roasting of rumps in derision of the parliament that was about to end.

Look at what all of that actually consisted of. They petitioned, and they cheered.

Nobody took anything. Nobody stopped anything. No crowd changed the disposition of a single regiment.

But the petitions were not nothing, and the framework should say precisely what they were. They were **information.** They told Monck — a cautious man who committed himself late and in stages — what the country would accept and what it would not. They told him that a march south for a free parliament would be met with support rather than resistance, and they told the Committee of Safety the opposite. The Declaration of Breda's terms were framed to be acceptable to constituencies the exiled court could not consult directly.

> ***A population's role in an elite fracture is to tell the contending factions which way is survivable.*** *That is a genuine causal contribution and it is not agency in the sense of making the change. The weight on the lever is real; the lever is worked above.*

Reading change against the framework

Five contributions, and the first is a confirmation this study reports without any satisfaction.

The claim holds, and this case is the collection's cleanest demonstration of it. Twenty-three datable constitutional changes in eighteen years, every one attributable to a man with a commission, a regiment or a seat; and every popular rising of the same period defeated. The two sequences run side by side for a generation without intersecting once.

Where the elite and the floor are the same institution, fracture is settled by solvency, not by force. This is the module's addition. The English Restoration was decided at Newcastle and Coldstream in December 1659 by the fact that one commander had £20,000 and the other had arrears, and no engagement was fought. **Read the accounts, not the politics.**

Standing is not sufficient — the fracture must be inside the floor. Penruddock in 1655 and Booth in 1659 were risings of men with land, connections, local authority and genuine political backing, and both were destroyed within days by an intact army. This extends the finding the Henry study drew from the Pilgrimage of Grace: gentry leadership makes a rising formidable and does not make it capable of beating a professional force that has not itself split.

The Diggers are the purest specimen in the collection of a claim from below meeting an intact order. The most radical property argument ever made in English, advanced by about forty people, was ended by local landowners and a magistrate's

warrant, without the state being troubled at all. **A proposal's radicalism has no relation whatever to its capacity to change anything**, and confusing the two is the commonest error in reading revolutionary periods.

And popular pressure is information rather than force. Petitions, riots and bonfires told the contending generals what was survivable and shaped the terms of the settlement. They did not move a regiment. **Where a study finds a crowd present at a change of regime, it should ask whether the crowd altered the balance of organised force or merely told the men who held it which way to jump — and the answer will almost always be the second.**

Three disciplines to close.

The first is against contempt for the people who tried. Winstanley's *Law of Freedom* is a serious book and a great deal of what it says about the origins of property in conquest is exactly what this collection has spent several studies documenting. He lost because he had forty people and no means, not because he was foolish or wrong. The Clubmen wanted both armies to stop eating their harvests, which was a reasonable demand honestly pressed. The men shot at Burford had a coherent constitutional programme that took another two hundred and fifty years to arrive.

The second is against reading the framework as fatalism. The re-pricing documented in Modules 5 and 8 was real and it mattered: the exhaustion of the benefit column, the excise, the free quarter, the abolished calendar and the displaced gentry were the reason the petitions said what they said, and the petitions were the reason Monck moved when he did and Breda promised what it promised. **What the population could not do was collect its own winnings** — which is a statement about who was positioned to bargain, not about who deserved to be.

And the third is the gravity, and it is one man on a road. John Lambert was the ablest soldier of his generation after Cromwell, the author of the Instrument of Government, the architect of the Protectorate and the man who had crushed Booth four months earlier. In the first week of January 1660 he stood somewhere in the north of England with a few dozen horse, because the rest had walked home for want of pay. He was taken, escaped, tried to raise a force at Edgehill, was taken again, and spent the remaining twenty-four years of his life in prison — on Guernsey and then on an island in Plymouth Sound, where he gardened, and painted flowers, and died in 1684, having outlived the republic he designed by a quarter of a century.

A note on sources. This module quotes no primary text and rests on paraphrased scholarship and on a dated chronology; the flags are correspondingly detailed.

Paraphrased and credited to modern scholarship: the sequence of constitutional changes from 1642 to 1660 as set out above, which follows the standard narratives and

the chronologies in the parliamentary and civil-war literature; the dispersal of the Clubmen at Hambledon Hill in August 1645; the Leveller mutinies and the Burford shootings of May 1649; the Digger occupation at St George's Hill from April 1649 and its suppression by local landowners, hired men and manorial process; Penruddock's rising of March 1655 and Booth's rising of August 1659 and its suppression by Lambert, which the specialist literature describes as enormously efficient; the removal of Richard Cromwell in April and May 1659; Lambert's and Fleetwood's expulsion of the Rump on 13 October 1659 and the establishment of the Committee of Safety; the declarations of Portsmouth, of Vice-Admiral Lawson and the fleet on 13 and 16 December, and of Haselrige, and Fairfax's mustering in Yorkshire; the restoration of the Rump on 26 December 1659; Monck's grant of £20,000 from the Council of State in August 1659 and the collection of the Scottish assessment; the confrontation between Monck at Coldstream and Lambert at Newcastle, the failure of Lambert's unpaid force to advance and its dissolution during his retreat; Monck's crossing of the Tweed at the turn of the year, his arrival in London on 3 February 1660, the mutinous state of the unpaid Commonwealth army there, the readmission of the secluded members on 21 February, the dissolution of the Long Parliament on 16 March, the Declaration of Breda of 4 April and Monck's influence on its terms including the promise of arrears, and the Convention and Restoration of April and May 1660; and Lambert's capture, escape, recapture and long imprisonment to his death in 1684.

Contested figures and points are flagged. The strengths of Monck's and Lambert's forces are given at approximately seven and eight thousand respectively and vary between accounts. **The report that Lambert was reduced to about fifty horse rests on a small number of accounts and should be verified before compilation**, though the substance — that his army dissolved without an engagement for want of pay — is not disputed. The £20,000 grant to Monck is reported in the specialist literature on 1659–60 and the mechanism by which he was able to pay his troops is well attested, but the precise sums and their timing should be checked against the fiscal and military records. The number of Diggers at St George's Hill is variously given and was small. The size of the Clubmen movement is an estimate. Whether Monck intended a restoration from the outset or arrived at it in stages is genuinely disputed in the scholarship, with the recent tendency running toward the latter, and this module does not assert an intention. Whether the crushing of Booth's rising strengthened or fatally exposed Lambert is likewise disputed. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 11

The Curse of Cromwell on You

The grim accounting — three theatres whose arithmetic differs by an order of magnitude, a metabolic note spared at home and called in full abroad for the second time in seventy years, and the discovery that memory tracks possession rather than atrocity

What is being counted, and where the boundaries sit

The framework's accounting has two columns. The **sword**: what the violence cost, across the span in which the arrangement stood. And the **metabolic note**: whether the coordination that lifts a population above the land's natural carrying capacity was disrupted badly enough that the debt came due in famine and epidemic.

The boundaries here are clean at one end and impossible at the other.

Clean, because the arrangement ended. Unlike most of the cases in this collection, this one has a date of death: May 1660. The span is finite and the accounting can be closed.

Impossible, because the arrangement's beginning cannot be separated from the wars that produced it. The New Model that governed England in 1655 was the army that had fought at Naseby in 1645, paid out of taxes voted in 1643, quartered on a population that had been paying for war since 1642. Any attempt to count "the Protectorate" apart from "the civil wars" produces a false number.

So the count runs from 1642 to 1660, with the sub-periods marked — and it runs separately in three theatres, because the arithmetic differs between them by an order of magnitude.

England

The wars of 1642 to 1651 killed, on the standard compilation, something like **eighty-four thousand people in the fighting and about a hundred thousand more from disease and want — some one hundred and eighty-four thousand, roughly 3.7 per cent of the population.** Other reckonings run to two hundred thousand, or about 4.5 per cent.

In a country of some five million people, in nine years, that is proportionally comparable to what England lost in the First World War.

Note the ratio, because it is the ordinary shape of pre-modern warfare and the framework should treat it as the default expectation: **disease and want killed more**

people than the fighting did. Typhus, dysentery and plague followed armies; sieges concentrated populations and starved them; and the burden fell heavily on towns.

And now the part that matters for this study, which is the Protectorate proper.

After Worcester in September 1651, the regime killed very few people in England. There was no oath enforced by death, as there had been under Henry VIII. Burford accounted for three men. Penruddock's rising in 1655 produced a small number of executions. James Nayler was mutilated and not killed. The major-generals disarmed, fined and regulated, and did not hang.

Measured from 1651 to 1660, the English sword count of the Protectorate is remarkably low, and the honest accounting must say so before it says anything else. What the regime cost England after the wars was money, liberty and a calendar — not, on any significant scale, lives.

Scotland

Higher, proportionally, than England. The standard compilation gives roughly **twenty-eight thousand killed in the fighting and about sixty thousand from disease — some eighty-eight thousand, in the region of six per cent of the population.**

And one episode within it deserves its own paragraph, because it is precisely documented, was recently excavated, and is the concrete image of this module.

Dunbar, 3 September 1650. Up to five thousand Scots died on the field in under an hour. Cromwell released the wounded, the very young and the old, and passed the remainder to Sir Arthur Haselrige. Something in the region of four to five thousand men were then marched a hundred miles south, through Berwick, Morpeth and Newcastle, to Durham. **About a thousand died on the road**, of starvation, exhaustion and dysentery.

The survivors were imprisoned in **Durham Cathedral** — which was standing empty and available **because the regime had abolished the Dean and Chapter.**

At least sixteen hundred of them were dead by the end of October. Seven weeks. The killer was dysentery, spreading through men held in close confinement without sanitation, in cold weather, in a stone building whose fabric still shows reddening where they huddled around braziers. The survivors were sent as indentured servants to the Massachusetts Bay Colony, to work on the draining of the Fens, and to Ireland. The last were released in July 1652.

In 2013 building work at Palace Green in Durham uncovered mass graves. Between seventeen and twenty-eight individuals were excavated and identified as Dunbar prisoners; none had died of battle wounds. After long consultation, including a

petition for reburial in Scotland, they were reburied at Durham with a plaque made of stone from Dunbar.

They died of the flux, in the cold, in a cathedral that was empty because the revolution which had captured them had abolished the men who ran it. The module offers no comment on that; it simply belongs on the page.

Ireland

And here the arithmetic is of a different order entirely, and the historiography is a minefield that has to be crossed slowly and with the mines named.

The figure everyone cites is William Petty's — and the reader of this study already knows him, because he is the same man who made the Down Survey that measured the land for redistribution in Module 2. In his *Political Anatomy of Ireland* he reckoned **616,000 dead between 1641 and 1652 out of a pre-war population of around a million and a half, of whom 504,000 were Irish.**

That is about forty per cent.

Modern estimates run lower and vary very widely. Figures in the range of fifteen to twenty-five per cent are more commonly given now; some serious scholars go higher; and the whole calculation rests on population estimates for a country that had never been counted. **The range should be carried as a range and the dispute named, and no single figure should be quoted as though it were established.**

But the mechanism is not disputed, and the mechanism is the point.

The storms account for very little of it. Drogheda in September 1649 killed somewhere between two and four thousand; Wexford in October perhaps two thousand. Together that is a small fraction of one per cent of the population, and Cromwell himself left Ireland in May 1650.

The deaths are in the four years after he left.

The war against the tories — the irregulars who held out in the woods, the bogs and the mountains — could not be won by catching them, because they could not be caught. So it was fought by **destroying what fed them**: corn burned, cattle driven off or slaughtered, mills broken, and populations cleared out of designated areas and forbidden to return. On top of that came bubonic plague, which ran through Ireland from 1649 to 1653 in a population already stripped of its food reserves and concentrated by war.

That is the metabolic note being called, deliberately, as a method of war.

Transportation must also be entered, and it requires an explicit warning. Substantial numbers of Irish people — soldiers taken in arms, priests, vagrants, and civilians swept up under the vagrancy provisions — were shipped to the West Indies,

chiefly Barbados, as prisoners and as indentured servants. The numbers are genuinely disputed and the range in the responsible literature is wide.

And this is a figure around which a well-documented disinformation campaign operates. The so-called "Irish slaves" narrative inflates the totals by an order of magnitude, conflates penal transportation and indenture with hereditary chattel slavery, and is deployed for purposes that have nothing whatever to do with Irish history. **This study will not use it and will not pretend the problem does not exist.** The honest position is that the numbers were substantial, that indentured servitude in the seventeenth-century Caribbean was a term of unfreedom which killed a great many of the people subjected to it, and that it was not the same institution as the hereditary chattel slavery of Africans that came to dominate those islands. All three of those statements are true and the first two are not diminished by the third.

And the licensed departures. Following the surrenders of 1652 and after, something in the region of thirty to forty thousand Irish soldiers were permitted — in practice required — to take service in the armies of Spain and France. Module 5 established that compelled exit belongs in the cost column rather than in the exit dial, and this is the specimen.

On any of the available estimates, Ireland lost between a sixth and two-fifths of its people in twelve years, and by any reckoning it stands among the worst demographic catastrophes of early modern Europe.

The metabolic column, and the second time

Now the framework's second question, run across the three theatres.

In England the note was not called, and the reason is structural.

The wars were destructive locally — Bolton, Leicester, Basing, and a dozen besieged towns — and there was severe hardship. But there was no famine attributable to them. The 1650s had poor harvests, and the mid-Tudor and 1590s crises were not repeated. Agriculture continued through nine years of fighting, and the population went on being fed.

Why? Because **a war fought for possession of a country spares its metabolism, since the winner wants it working.** Both sides in the English wars intended to govern England afterwards and to be paid out of it. An army quarters itself on a village and eats the stores; it does not burn the seed corn, because it expects to be there next year and to want a harvest. Free quarter is extraction, and extraction presupposes a producer.

In Ireland the note was called in full, and deliberately, because the war was not fought for possession of a working country. It was fought, from 1652, for the

removal of a population from the land — and Module 2 established that the removal had been contractually promised to investors ten years before the first shot, under the Adventurers' Act of 1642. Where the productive base is an obstacle rather than an asset, destroying it is not a by-product of the campaign; it is the campaign.

And this is the second time.

The Henry VIII study's accounting found the identical pattern seventy years earlier. England took a quarter of its own country in the 1530s without disrupting a single harvest, because the men doing the taking were buying a working estate. And the metabolic note was called in **Munster** between 1579 and 1583, by a deliberate scorched-earth campaign whose architect's apologist described the method in print — Edmund Spenser writing that the province was devastated by keeping its people from manurance and their cattle from running abroad, and describing what he then saw: people creeping out of the woods on their hands, because their legs would not carry them, looking like anatomies of death.

Two English revolutions, seventy years apart, run by different men for different reasons, both of which spared their own country's metabolism completely and both of which called the note in the same place, by the same method, for the same structural reason.

> ***An insider's revolution spares its own metabolism and exports the bill — and it exports it to wherever the productive base is an obstacle rather than an asset. The same territory can receive the bill twice, because what determines the destination is not malice but the position of that territory relative to the settlement.***

Ireland was outside the settlement in the 1580s and outside it in the 1650s, and that fact, rather than anything about the men involved, is what put the famine there both times.

The forgetting, and what actually determines it

The framework holds that if enough time passes an arrangement settles into being simply the way the world is, and people forget that violence made it. This case allows something the collection has not previously been able to do: **it lets us watch the same events be forgotten in one country and remembered in another, and identify the variable.**

In England, the forgetting was legislated.

Charles II's reign was dated in law from 30 January 1649, which meant that the eleven years had not occurred. The **Act of Indemnity and Oblivion** of August 1660

pardoned almost everyone for almost everything and forbade the raising of the matter — its own title states the policy, and contemporaries observed sourly that it delivered indemnity to the king's enemies and oblivion to his friends.

And then the memory was not merely erased but replaced. The thirtieth of January entered the Book of Common Prayer as an annual service of fasting and humiliation for the martyrdom of King Charles, and was observed in every parish church in England until it was removed in 1859. **For two hundred years, the one thing the English were required to remember about the decade, once a year, in church, was that a king had been martyred.**

The bodies were dealt with in the same register. In January 1661 the remains of Cromwell, Ireton and Bradshaw were disinterred from Westminster Abbey and posthumously hanged at Tyburn **on 30 January 1661 — the twelfth anniversary of the execution.** Cromwell's head was set on a spike above Westminster Hall, where the trial had been held, and remained there for decades.

And then, in the nineteenth century, the reversal reversed. Carlyle's edition of the *Letters and Speeches* in 1845 recovered him for the Victorians as a hero of Protestant liberty and plain English virtue. In 1899 a statue was set up outside the Palace of Westminster — amid such controversy that the Commons would not vote the money and Lord Rosebery paid for it privately.

In England, "Cromwell" is a bronze figure outside Parliament, and most people who pass it could not date the Protectorate within thirty years.

In Ireland it is a curse. *Mallacht Chromail ort* — the curse of Cromwell on you — remains a living Irish idiom three and a half centuries later, and the name has never needed a footnote there.

Which gives the module's central contribution, and it inverts the natural assumption.

> ***An order is forgotten where its settlement was reversed and remembered where its settlement stood. Memory tracks possession, not atrocity.***

The intuition is that the worse the violence, the longer the memory. That is not what happened. England suffered proportionally more deaths in its civil wars than in the First World War and forgot the decade almost entirely within two generations — because Module 2 established that England's land settlement was reversed within eighteen months. The crown lands went back, the church lands went back, the royalist estates went back, and by 1670 almost every English family was living where it had lived in 1640. **There was nothing in the landscape to keep reminding anybody.**

Ireland's settlement stood. Catholic landholding did not return to its 1641 level, or anywhere near it; the Acts of Settlement and Explanation nibbled at the redistribution and confirmed its substance; and the arrangement made in the 1650s determined who owned Ireland for the following two and a half centuries.

A dispossessed family forgets nothing, because every generation re-encounters the dispossession in the field it does not own. The memory is not carried by tradition or grievance-culture; it is carried by the deed.

And the semantic test the Henry study proposed — that an order has become the furniture of reality when the words have moved, so that *abbey* comes to mean a house in a park — gives the same reading here in a sharper form. **One name, two nations, two meanings, and the variable is who kept the land.**

Reading the accounting against the framework

Five contributions.

Disease and want kill more than fighting, and this should be the default expectation rather than a finding. In England the ratio was roughly five to six. In Ireland it was overwhelming. Any accounting that counts battles is counting the smaller number.

A war for possession spares the metabolism; a war for removal calls the note. This is the mechanism behind the England–Ireland split and it is stated here as a general rule. An army that intends to govern and be paid out of a country will extract from its producers and preserve them; an army whose object is to clear the ground has no producer to preserve. **The diagnostic is not the ferocity of the fighting but the intended relationship to the population afterwards.**

The metabolic bill is exported to wherever the productive base is an obstacle rather than an asset — and the same territory can receive it twice. Henry's England spared itself and the note fell in Munster; Cromwell's England spared itself and the note fell across Ireland. Seventy years apart, different men, same country, same method. What determines the destination is a structural position rather than a national character on either side.

Memory tracks possession, not atrocity. The module's central finding, and it is directly testable elsewhere. Where a study finds an order that is remembered bitterly across centuries, it should look first at whether the settlement that order made is still in force — and where it finds an order forgotten despite a large body count, it should look at whether the settlement was reversed. **The reversal is the amnesia.**

And forgetting can be legislated — but only where the material arrangement has also been undone. The Act of Indemnity and Oblivion, the regnal dating from

1649, and the annual liturgical commemoration of a royal martyr constitute one of the most deliberate programmes of official forgetting in European history, and it worked in England. **The same statute of oblivion had no effect whatever in Ireland**, because in Ireland the thing being forgotten was still standing in the fields. A statute of oblivion over an intact settlement is a piece of paper.

Three disciplines to close.

The first is about the Irish figures, and it cuts in both directions. Petty's forty per cent is the number most often quoted and it is a seventeenth-century estimate made by an interested party from population figures that did not exist; the modern range is lower and very wide; and any writer who quotes a single figure with confidence is not being straight with the reader. **And the lower estimates are still catastrophic.** Fifteen per cent of a population in twelve years is a demographic disaster of the first order, and nothing in the qualification of Petty's arithmetic reduces it to something bearable.

The second is about the transportations, and this study has stated it above rather than in a footnote because the disinformation around it is active and is not accidental. The numbers are disputed and were substantial; indenture was unfreedom and was frequently fatal; and it was not hereditary chattel slavery. All three are true, and the study that omits any of the three is doing propaganda for somebody.

And the third is the gravity, which in this module has to be located in a building. In September and October 1650, something over sixteen hundred Scottish soldiers died of dysentery and cold in Durham Cathedral, having been marched a hundred miles from a battlefield where they had already lost. They were held there because the cathedral was empty. It was empty because the government that had captured them had abolished the Dean and Chapter as useless, and sold their lands, and stripped the building of what could be sold — and their bodies were put into unmarked pits in the ground outside it, where they lay unidentified for three hundred and sixty-three years until a university dug a foundation for a café.

A note on sources. This module quotes no primary text at length and rests on paraphrased scholarship and on figures that are contested at nearly every point; it is written to make the contests visible.

Paraphrased and credited to modern scholarship: the casualty compilations for the Wars of the Three Kingdoms, principally the figures associated with Charles Carlton's work and reproduced in the standard reference accounts, giving England and Wales roughly 84,000 killed in fighting and about 100,000 further deaths from disease (some 3.7 per cent of population, with other reckonings up to 4.5 per cent), and Scotland roughly 28,000 and 60,000 respectively (about 6 per cent); the Dunbar prisoner sequence, following the Durham University excavation project and its published

accounts — up to 5,000 dead on the field, the release of the wounded and unfit, the march of some 4,000–5,000 a hundred miles to Durham with about a thousand dying en route, the imprisonment of the survivors in the cathedral, at least 1,600 dead by the end of October 1650, the dispersal of survivors as indentured servants to Massachusetts Bay, to the Fens and to Ireland, the last released in July 1652, the discovery of mass graves at Palace Green in 2013, the excavation of between seventeen and twenty-eight individuals, and the reburial at Durham with a plaque of Dunbar stone; William Petty's estimate of 616,000 dead in Ireland between 1641 and 1652 from his *Political Anatomy of Ireland*, and the modern revisions of it; the conduct of the Irish war after Cromwell's departure in May 1650, including the destruction of crops and cattle and the plague of 1649–53; the transportations to the West Indies and the licensed departure of Irish soldiers to Spanish and French service; the Act of Indemnity and Oblivion of August 1660 and the dating of Charles II's reign from 30 January 1649; the addition of a service for 30 January to the Book of Common Prayer and its removal in 1859; the posthumous exhumation and execution of Cromwell, Ireton and Bradshaw on 30 January 1661 and the display of Cromwell's head at Westminster Hall; Carlyle's *Letters and Speeches* of 1845; and the erection of the statue outside Westminster in 1899 with Rosebery's private funding. The Munster material, including Spenser's account, is as sourced in the companion study of Henry VIII.

Contested figures are given as ranges and several should be treated with great caution. The Wars of the Three Kingdoms casualty figures differ substantially between compilations and rest on reconstructions rather than records. Irish mortality between 1641 and 1652 is the most disputed figure in this study: Petty's estimate of about 40 per cent is a seventeenth-century calculation from population figures that did not exist, modern estimates commonly run at 15–25 per cent, some scholars go higher, and no single figure should be treated as established. The pre-war population of Ireland is itself an estimate. The numbers transported to the West Indies are disputed and are deliberately not asserted here; the "Irish slaves" narrative that circulates around this question is a documented disinformation campaign and the module addresses it explicitly in the text rather than ignoring it. The number of Irish soldiers licensed to foreign service is given at thirty to forty thousand and is an estimate. The Dunbar prisoner numbers vary between accounts, with contemporary counts of the prisoners themselves differing by thousands; the figure of at least 1,600 dead by the end of October 1650 is the one used by the Durham project. Every load-bearing fact here is to be re-verified against a primary or standard source before it is built upon.

MODULE 12

What Was Never to Be Done Again

Convergence and divergence — the third of three settlements laid on the same ground, the collection's only complete failure and therefore its control case, and the strongest counter-position in the series stated at full strength and answered

The case in one sentence

An armed subject destroyed the office he served, and thereby destroyed the only source of lawful title in the realm; every subsequent difficulty of the regime he built follows from that, and it lasted eleven years.

Three settlements on one piece of ground

This study is the third of a sequence, and the sequence is the most valuable thing the collection has, because the three cases are laid on the same soil, over the same institutions, with each one's problem created by its predecessor's solution.

1066. A Norman duke with no source of title inside England rented one from Rome, seated his followers in the exact legal positions of named dead Englishmen, and established the principle on which everything afterwards depended: that in England no man owns land outright, but holds it of the crown. He also lodged a second authority inside the realm whose apex was abroad.

Floor first, robe afterwards. Hastings in October, a coronation in December, and no Norman claim of lawful succession entering the record until the 1070s, when spoil had to become inheritance. The settlement held for six hundred years.

1529–1547. A lawful king closed that bracket. Henry VIII abolished the lessor, appointed himself to the office, and took a quarter of the country from living lawful owners — by statute, before any force was applied, because a lawful king who acts as a conqueror reopens every title in his realm including his own.

Robe first, then settlement, then force applied only to those who refused the law once it existed. And to make the robe he had to argue from a text; to argue from a text in a realm he was persuading he had to publish it; and so an English Bible went out on a chain into every parish in the kingdom. The settlement held for four centuries.

1649–1660. Men formed by that book tried the king's descendant in Westminster Hall and cut off his head.

And they got the conqueror's sequence at home, because they had no choice: to legislate first they needed the Commons, and the Commons would have treated with the king, so a colonel stood at the door with a list. **The settlement lasted eighteen months.**

The chain is exact and each link is the previous link's consequence. William lodged an authority in the realm with its apex abroad. Henry abolished it, appointed himself, and published the source to prove it. Cromwell used that source to abolish the office Henry had created, and could not replace it.

And the arc closes with an irony the collection could not have predicted. Module 6 found that in December 1660 the restored parliament passed the **Tenures Abolition Act**, sweeping away knight service, tenure in capite, wardship, marriage, primer seisin and purveyance — the entire tenurial apparatus William had imposed in 1066 — and compensating the crown with a hereditary excise on beer.

The Norman settlement was formally dissolved by the parliament that undid Cromwell's, using a tax the republic had invented, in a statute drafted in the grammar the regicides had used to abolish the crown.

What the collection can now say about founding positions

Setting the three side by side, and adding what the other studies supply, the framework can name a **fourth** founding position that it did not previously have.

The outsider conqueror. William; the French in Algeria; the British in Kenya. Arrives from outside, needs no lawfulness until his grants must be heritable, and therefore lays the floor first and fits the robe afterwards.

The lawful apex. Henry VIII; Meiji Japan. Already holds the country and cannot afford to act as a conqueror, because his entire standing is lawfulness. Legislates first, takes second, applies force only to refusers.

And the armed insider who destroys the office he served. Oliver Cromwell.

This position has no entry in the framework before now and its properties are distinctive and adverse. **He gets the conqueror's sequence in his own country**, because the body that could have legislated first must be purged to produce the required result. **He has no source of title**, because he has abolished it. **He must manufacture a robe from whatever library lies in his field of the visible** — and if the only such library is one the other side also possesses, the argument is permanently unwinnable (Module 3). **His settlement can rest only on forfeiture**, because surrender requires a taker whose lawfulness makes refusal criminal, and nobody conveys an estate to men who have just executed the king from whom he holds it (Module 2). **And forfeiture is the one fiction a successor can void in a sentence.**

He gets, in short, the disadvantages of both other positions and the advantages of neither.

Divergence: what makes this case unique in the collection

It is the only complete failure the collection has examined, and that is its value.

Every other study in this series looks at an order that held long enough to become the furniture of reality — for centuries in the Norman and Henrician cases, for generations in the colonial ones, for seventy years in Meiji Japan. Those studies can identify what held them up, but they cannot easily *test* the identification, because in a successful order every mechanism is present at once and none can be isolated.

This case is the control. It ran the same operation on the same country with most of the same institutions and it collapsed, and the collection can therefore check its positive findings against their absence.

Purchase binds. Henry sold at twenty years' purchase to several thousand families and the settlement survived a Catholic queen with a papal legate. Cromwell sold at a discount to a narrow pool with a bad title, and Module 2 found the market had already begun reversing the settlement before the king came back. **Confirmed by absence.**

By-product gains bind hardest. The dissolution handed the lay peers a permanent majority in the Lords that nobody asked for and no preamble mentioned. Cromwell abolished the chamber. **Confirmed by inversion** — Module 8 found the by-product loss binding against the order exactly as hard.

A liberty becomes durable when it is converted into somebody's default. Nothing granted in the 1650s became anybody's default; nothing granted in the 1650s survived. **Confirmed by negative**, which is the strongest form of confirmation a framework of this kind can obtain.

The interpretive monopoly is the value of a captured formation apparatus. Meiji kept it and built more; Henry lost it by publishing the source. Cromwell inherited a machine whose monopoly was already broken, dismantled more of it, and then relinquished the field on principle — and Module 4 found three formations running simultaneously that the state neither built nor controlled. **Confirmed as a fourth condition.**

And **against Meiji specifically**, which the Henry study identified as the closest structural analogue in the collection, this case is the anti-case. Both are insider revolutions with a robe of restoration. Meiji dissolved a hereditary estate by law, paid it in transferable paper, converted the paper into the capital base of a new property-holding class, and **kept the interpretive monopoly throughout.** Cromwell dissolved a

hereditary estate by forfeiture, paid his floor in arrears that a successor could discharge, created no property-holding class at all, and had no interpretive monopoly to keep.

Meiji ran seventy years without a fracture at the centre. The Protectorate ran nine.

The counter-position, at full strength

Now the argument against everything above, and this study is instructed to state it fully and answer it without flinching.

It runs like this.

Set aside whether the Protectorate lasted. Look at what came out of the decade.

A king was tried in open court by his own subjects, convicted, and executed. That had never happened anywhere in Europe. It established, as a fact rather than a theory, that a head of state is subject to law — and every subsequent proposition of that kind, down to the international tribunals of the twentieth century, is a descendant of Westminster Hall in January 1649.

Parliamentary sovereignty was demonstrated in both directions inside twelve years. Parliament unmade a monarchy and a Convention Parliament remade one. Twenty-eight years later the same manoeuvre was performed again, almost without argument, and produced the constitutional settlement most of the modern world's political vocabulary descends from.

The fiscal-military state was built. Module 6 established that the excise, the assessment, the customs establishment, the Navigation Act and the naval administration were all created or perfected in this decade and all inherited intact by the monarchy that repudiated everything else. On that machinery England fought Louis XIV, financed a national debt, and built an empire.

And the navy specifically. Blake's fleets beat the Dutch, which no English fleet had done; the administration built to supply them became the Royal Navy that dominated the following two centuries.

Religious toleration was attempted in earnest, in a Europe still killing people by the hundred thousand over confession. The Jews were readmitted after three and a half centuries. And a line runs from Article XXXVII of the Instrument to the Toleration Act of 1689.

England produced its only written constitution, and the *idea* in it — a fundamental instrument standing above ordinary legislation — has a future that includes Philadelphia.

And the decade produced more first-rate political thought in English than any other in history. Hobbes's *Leviathan* in 1651. Harrington's *Oceana* in 1656. Milton's *Areopagitica*, *The Tenure of Kings and Magistrates*, and afterwards, written blind by a

man who had served this government, *Paradise Lost*. Winstanley's *Law of Freedom*. The Putney Debates, in which soldiers argued about whether the poorest he in England is bound by a government he has not consented to, and a stenographer wrote it down.

So, the counter-position concludes, an accounting that reports eighteen months of settlement and a collapsed constitution has measured the wrong thing entirely. **Eleven years produced the intellectual and institutional foundations of the modern constitutional world. What is a land settlement beside that?**

That is a serious case and this study does not think it can be dismissed.

The answer

It can be answered, and the answer requires separating three propositions the counter-position runs together — the same separation the Henry study had to make, arriving at a sharper result because this case supplies a fact the other did not.

First: the achievements are real, and this study credits them without qualification

There is no version of the answer that involves denying any of it, and an account that tried would be a worse falsification than the counter-position.

Leviathan is the greatest work of political philosophy written in English and it was written out of this crisis. The Putney transcript is one of the extraordinary documents of European civilisation. The fiscal machinery is real and its consequences are real. The navy is real. The toleration was real and men who had never in their lives been able to worship as they chose valued it enormously and remembered it for a century.

And the collection's standing discipline applies here as everywhere: **a good that arrived by accident is still a good.** A finding that an achievement was unintended does not reduce it.

Second: almost none of it was intended, and several items are residues of failure

The counter-position states a set of **consequences** and offers them as a justification of an **intention**, and the intention is not in the record.

The fiscal machinery was built to pay an army the regime could not afford, in a war it could not stop, and Module 6 established that the arrears which produced it in 1647 were unchanged in 1659 with the asset that had met them consumed. **The foundation of the English fiscal-military state is the by-product of a solvency crisis that destroyed the government that created it.**

The navy was built because a title manufactured out of victories requires victories, and Module 1 established the mechanism: a providential robe is results-sensitive, peace produces no verdicts, and a regime in that position is at war continuously from its foundation to its end.

The toleration was real and was defended by boring a man's tongue through with a hot iron by vote of parliament. Module 4 established that the Protector could not prevent it, because he had abolished the machinery by which such a question might have been decided any other way.

The written constitution failed within a year, and Module 9 established why: it was drafted by a Council of Officers and never ratified by any representative body, so the first parliament that met under it refused to derive its authority from it. The idea has a great future. The instrument had none, and the reason is instructive rather than incidental.

And the political thought is very largely the literature of crisis and defeat. *Leviathan* is an argument for absolute sovereignty written by a man in exile watching a country tear itself apart. *Oceana* is a proposal for a settlement that did not happen. *Paradise Lost* is about a defeated party. The Putney Debates were followed within eighteen months by three men shot against a church wall at Burford. **A decade does not produce great political thought because it is governing well.**

Third — and this is where the case supplies something the Henry study could not — the counter-position's strongest item is the one that was most emphatically repudiated

The best thing on the list is that a king was tried by his subjects.

Look at what England actually did with that.

The regicides who could be caught were hanged, drawn and quartered. The bodies of Cromwell, Ireton and Bradshaw were dug out of Westminster Abbey and hanged at Tyburn on 30 January 1661, the twelfth anniversary, and Cromwell's head was set above Westminster Hall where the trial had been held. Charles II's reign was dated from 30 January 1649 so that the eleven years had not legally occurred. And **30 January entered the Book of Common Prayer as an annual service of fasting and humiliation for the martyrdom of King Charles, observed in every parish in England until 1859.**

For two hundred years, the one thing the English were formally required to remember about the trial of a king was that it had been a martyrdom.

And then, in 1688, when England removed another king, **the whole operation was arranged so as to avoid trying anybody.** No court, no charge, no sentence. James was declared to have abdicated, and the throne to be vacant, and a Convention filled it. The

manoeuvre was performed with an elaborate care whose entire purpose was to be as unlike 1649 as possible.

The proposition survived not as a precedent but as a horror. What England drew from 1649 was not "a king may be tried" but "never that again — do it this other way."

Which is Module 9's finding at its sharpest, and it is this study's principal contribution to the collection:

> ***Positive residue accretes from bargains inside a surviving order. A failed order leaves negative residue — what its successors resolve never to allow again, written into the next settlement as express prohibitions. And negative residue is frequently the more durable, because a privilege needs a beneficiary to defend it while a prohibition needs only the memory of a catastrophe, which everybody has.***

The Bill of Rights of 1689 is written almost entirely in negatives, and several of its clauses describe the Protectorate as exactly as they describe the Stuarts: no standing army in peacetime without consent of parliament — and the Instrument of Government had made thirty thousand men a permanent constitutional charge; no money levied without grant of parliament — and Cony's counsel had gone to prison in 1655; elections ought to be free — and a hundred elected members had been turned away in 1656 on a certificate of insufficient godliness.

The English constitution is, to a substantial degree, a list of things the 1650s did.

And who received the goods, and who paid

The last part of the answer is distributional, and it is the same finding this collection has made in every study.

The goods went to the English state and to the English political nation. The fiscal machinery went to the crown that repudiated the men who built it. The navy went to the empire. The parliamentary sovereignty went to the men who sat in parliament. The toleration went to a religious minority, and then to the descendants of the men who had excluded them.

The costs went to Ireland, to Scotland, and to the English poor.

Module 11 laid it out. Ireland lost between a sixth and two-fifths of its people in twelve years, and kept the land settlement that caused it for two and a half centuries. Scotland lost proportionally more than England, and sixteen hundred Scots died of dysentery in a cathedral emptied by the same revolution. And in England, the excise on

beer and salt was paid weekly for seventeen years by people with no vote and no representative, and was then made **permanent** in 1660 in order to relieve the landed class of the feudal obligations it had owed the crown since 1066.

Every durable good this decade produced went to somebody positioned to collect it. Every cost fell on somebody who was not.

And the counterfactual cannot be run

Nobody knows what England looks like in 1700 without the Interregnum. The Dutch built a commercial civilisation and a formidable navy without a regicide. France built the most powerful state in Europe without a parliament. The constitutional traditions of Europe do not sort cleanly by whether anybody executed a king.

And an unrunnable counterfactual cuts in both directions. It means the costs cannot be shown to have been necessary, and it equally means the goods cannot be firmly claimed. The counter-position wants the benefit of the comparison in one direction only.

What the counter-position actually is, and the strange form it takes here

There is one more thing to say, and it is the reason this study has taken the counter-position seriously rather than dismissing it.

The framework's account of change holds that an order which has widened its circle can tell the newly admitted the truth — that they were let in when a frightened or fractured elite found it cheaper to deal them in than keep them out — or it can tell them the flattering version, that they rose and won and earned it. The second is enormously more stabilising, and the Henry study found the counter-position to that case operating as exactly such a dignifying myth at national scale.

Here the myth takes a form the collection has not seen, and it takes it in two stages.

First, England told itself the decade had not happened. Not that it had been a triumph — that it had not occurred. The regnal dating, the Act of Oblivion, and an annual liturgy about a martyred king constitute one of the most deliberate programmes of official forgetting in European history, and Module 11 found that it worked, because the land settlement had been reversed and there was nothing in the fields to contradict it.

And then, two centuries later, having successfully forgotten what it cost, England put up a statue.

Carlyle recovered Cromwell for the Victorians in 1845 as a hero of Protestant liberty and plain English virtue. In 1899 a bronze figure was erected outside the Palace of Westminster, amid such controversy that the Commons would not vote the money and Rosebery paid for it privately.

A nation that legislates its own forgetting and then, once the forgetting is complete, rehabilitates the man it forgot, is not remembering anything. It is finding a new use for a name.

Which is why the same name, in the same century, meant a statue in one country and a curse in another. In England the settlement had been reversed and the name was free to be repurposed. In Ireland it was still standing in the fields.

The close

Oliver Cromwell was a Huntingdonshire gentleman of moderate estate who wanted, on the best evidence available, a godly reformation, a settled government, and to be left alone by both. He got none of the three.

He destroyed the only source of lawful title in England, and thereafter every instrument he reached for had a defect built into it by that single act. **His floor had to come first, because the body that could have legislated had to be purged to produce the result. His robe had to be scriptural, because scripture was the only authority left — and scripture was in the other side's hands too, so the argument could never be won. His settlement had to rest on forfeiture, because nobody would sign a conveyance to him — and forfeiture is the one fiction a successor can void with a date. His floor had to be paid in arrears, because he had no land to give that would still be his to give in five years — and a creditor is not a defender. And when he tried in 1657 to repair all of it at once, by accepting a crown that would have put the office inside the known law of England and made it heritable, he was stopped by the only constituency in the country that had a positive stake in the arrangement as it was.**

He died on 3 September 1658, the anniversary of Dunbar and of Worcester, and his son held the office for eight months.

And the three things he could not take back, which are the three the collection should carry:

He could not take back **the demonstration**. Parliament had unmade a king and then made one, and after 1660 everybody in England knew both were possible, and in 1688 they were done again, carefully, differently, and without a trial.

He could not take back **the machinery**. The excise, the assessment, the customs and the navy were inherited by his enemies and made England a great power, which is the fate of every fiscal apparatus that works.

And he could not take back **the prohibitions**. What England resolved after 1660 was written into the settlement of 1689 as a list of things that shall not be done, and a striking number of them are things his government did.

He is the only ruler in this collection whose principal legacy is a set of negatives, and the reason is the reason the whole study has been circling: he built an arrangement in which nobody with standing and means had any reason to want it kept, and so when it fell, nothing of it was worth preserving — except the tax collection, which everybody wanted, and the memory of what it had been like, which nobody wanted repeated.

The statue is still there, outside Westminster Hall, where the court sat. In Ireland the phrase is still in use.

A note on sources. This module quotes no primary material not already quoted and sourced in the eleven modules preceding it, and every quotation, date, figure and caution referred to here carries the attribution and the flag given where it first appeared. The Norman and Henrician material rests on the two companion studies in this collection and on the sources cited there; the Meiji, Saint-Domingue, Kenya and Nigeria comparisons likewise rest on the companion studies.

Paraphrased and credited to modern scholarship, where not already sourced above: the publication dates and character of *Leviathan* (1651), *Oceana* (1656) and the Miltonic works; the treatment of the regicides and the posthumous executions of January 1661; the addition and removal of the 30 January service in the Book of Common Prayer; the arrangements of 1688–89 by which James II was declared to have abdicated rather than tried; Carlyle's *Letters and Speeches* (1845) and the erection of the Westminster statue in 1899 with Rosebery's private funding; and the Tenures Abolition Act of 1660, as sourced in Module 6.

Contested points are flagged. **The attribution of English and Anglophone constitutional development to the Interregnum is a chain of the kind set out in Modules 9, 10 and 11 and is expressly not offered as a causal total**; the counterfactual — what England's constitutional history would have looked like without the decade — cannot be run, and this module says so in terms rather than resting on it. The claim that 1688 was deliberately arranged to avoid the form of 1649 is the reading of the standard constitutional histories and is not universally pressed as far as this module presses it; readers should weigh it themselves. The characterisation of the Instrument of Government as the ancestor of later written constitutions is

conventional and the lines of descent are indirect. The relative weight of conscience and of army pressure in Cromwell's refusal of the crown is disputed, as noted in Module 3. Every load-bearing fact in this study is to be re-verified against a primary or standard source before it is built upon.